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To: Councillor Reynolds, Convener; Councillor Malik, Vice Convener; and Councillors Allan, Bell, Delaney, McRae, Catriona Mackenzie, Sellar and Townson.

Town House,
ABERDEEN 9 April 2018

LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in Committee Room 2 - Town House on **TUESDAY, 17 APRIL 2018 at 10.00 am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

B U S I N E S S

DETERMINATION OF URGENT BUSINESS

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

DETERMINATION OF EXEMPT BUSINESS

- 2.1 Members are requested to determine that any exempt business be considered with the press and public excluded.

CONFIDENTIAL BUSINESS

- 3.1 Items of confidential business are listed at item 7 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 None received at this stage

MINUTES AND COMMITTEE BUSINESS PLANNER

- 6.1 Minutes of Meetings of the Licensing Committee of 6 February and 14 March 2018 - for approval (Pages 9 - 34)
- 6.2 Minutes of the Meetings of the Licensing Urgent Business Sub Committee of 25 January and 15, 20, 23 and 28 February 2018 - for approval (Pages 35 - 56)
- 6.3 Minute of the Meeting of the Licensing Evidential Hearings Sub Committee of 19 February 2018 (Pages 57 - 60)
- 6.4 Minutes of the Meetings of the Licensing Sub Committee of 21 and 22 March and 3 April 2018 - for approval (Pages 61 - 72)
- 6.5 Committee Business Planner (Pages 73 - 76)

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

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

- 7.1 Application for the Renewal of a Taxi Driver's Licence (Pages 79 - 84)
- 7.2 Application for the Renewal of a Taxi Driver's Licence (Pages 85 - 88)
- 7.3 Application for the Renewal of a Taxi Driver's Licence (Pages 89 - 90)
- 7.4 Application for the Renewal of a Taxi Driver's Licence (Pages 91 - 94)
- 7.5 Application for the Renewal of a Taxi Driver's Licence (Pages 95 - 98)
- 7.6 Application for the Renewal of a Taxi Driver's Licence (Pages 99 - 102)
- 7.7 Application for the Renewal of a Taxi Driver's Licence (Pages 103 - 106)
- 7.8 Application for the Renewal of a Taxi Driver's Licence (Pages 107 - 110)
- 7.9 Application for the Renewal of a Taxi Driver's Licence (Pages 111 - 114)
- 7.10 Application for the Renewal of a Taxi Driver's Licence (Pages 115 - 118)

- 7.11 Application for the Renewal of a Taxi Driver's Licence (Pages 119 - 122)
- 7.12 Application for the Renewal of a Taxi Driver's Licence (Pages 123 - 126)
- 7.13 Application for the Renewal of a Taxi Driver's Licence (Pages 127 - 130)
- 7.14 Application for the Renewal of a Taxi Driver's Licence (Pages 131 - 132)
- 7.15 Application for the Renewal of a Taxi Driver's Licence (Pages 133 - 136)
- 7.16 Application for the Renewal of a Taxi Driver's Licence (Pages 137 - 140)
- 7.17 Application for the Renewal of a Taxi Driver's Licence (Pages 141 - 144)
- 7.18 Application for the Grant of a Taxi Driver's Licence (Pages 145 - 148)
- 7.19 Application for the Renewal of a Taxi Driver's Licence (Pages 149 - 152)
- 7.20 Application for the Renewal of a Private Hire Car Driver's Licence (Pages 153 - 156)

APPLICATIONS FOR LICENCES - INCLUDING LIST OF APPLICATIONS

- 8.1 Renewal of a Licence for a House in Multiple Occupation - 8 Elmfield Terrace, Aberdeen (Pages 161 - 168)
- 8.2 Renewal of a Licence for a House in Multiple Occupation - 3 Cattofield Place, Aberdeen (Pages 169 - 180)
- 8.3 Renewal of a Licence for a House in Multiple Occupation - 37 Corthan Crescent, Aberdeen (Pages 181 - 210)
- 8.4 Application for the Renewal of a Street Trader's Licence - C&L Catering Partnership (Pages 211 - 212)
- 8.5 Application for the Grant of a Street Trader's Licence - Elaine Elrick (Pages 213 - 214)
- 8.6 Application for the Variation of a Street Trader's Licence - Elaine Sullivan "Sully Snacks" (Pages 215 - 226)

- 8.7 Application for a Public Charitable Collection - Emma Moore - ChiLEGALren Hospice Association Scotland (Pages 227 - 228)
- 8.8 Application for the Grant of a Private Hire Car Driver's Licence - Paul Bruce (Pages 229 - 230)
- 8.9 Application for the Renewal of a Private Hire Car Driver's Licence - Ronald Forbes (Pages 231 - 232)
- 8.10 Application for the Renewal of a Private Hire Car Driver's Licence - Rajneesh Rattan (Pages 233 - 234)
- 8.11 Application for the Renewal of a Private Hire Car Driver's Licence - Shaista Miah (Pages 235 - 236)
- 8.12 Application for the Renewal of a Private Hire Car Driver's Licence - Tula Miah (Pages 237 - 238)
- 8.13 Application for the Renewal of a Private Hire Car Driver's Licence - Jakub Brzakalski (Pages 239 - 240)
- 8.14 Application for the Renewal of a Taxi Driver's Licence - Gary Ewing (Pages 241 - 242)
- 8.15 Application for the Renewal of a Taxi Driver's Licence - Thomas Frisken (Pages 243 - 244)
- 8.16 Application for the Renewal of a Taxi Driver's Licence - Joel Jemine (Pages 245 - 246)
- 8.17 Application for the Renewal of a Taxi Driver's Licence - Paul Robbie (Pages 247 - 248)
- 8.18 Application for the Renewal of a Taxi Driver's Licence - Stephen White (Pages 249 - 250)
- 8.19 Application for the Renewal of a Taxi Operator's Licence - David Knowles (Pages 251 - 252)
- 8.20 Application for the Grant of a Taxi Operator's Licence - Omer Kus (Pages 253 - 254)
- 8.21 Application for the Renewal of a Taxi Operator's Licence - Moncef Meskini (Pages 255 - 256)

- 8.22 Application for the Renewal of a Taxi Operator's Licence - Rainbow City Cars Ltd - T574 (Pages 257 - 258)
- 8.23 Application for the Renewal of a Taxi Operator's Licence - Philip Ritchie (Pages 259 - 260)
- 8.24 Application for the Renewal of a Private Hire Car Driver's Licence - Michael Cheyne (Pages 261 - 262)

COMMITTEE REPORTS

- 8.25 Taxi Fare Review (Pages 263 - 274)

COMMITTEE REPORTS - EXEMPT BUSINESS

- 9.1 Process and Performance For Medical Assessments In Relation To Taxi and Private Hire Car Drivers (Pages 275 - 284)

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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

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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, 6 February 2018. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Reynolds, Convener; Councillor Boulton, Vice Convener, and Councillors Allan, Allard, Bell, Cameron, Delaney (from article 11 onwards), Henrickson, Imrie, Catriona Mackenzie, Malik, McRae, Sandy Stuart, Townson and Yuill (as a substitute for Councillor Delaney up to article 11 only).

The agenda and reports associated with this minute can be found at:-
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=5852&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.

SUSPENSION OF STANDING ORDER 37.2 (LENGTH OF MEETINGS)

1. The Convener proposed that the Committee suspend Standing Order 37.2 (Length of Meetings) to enable the meeting to continue beyond four hours.

The Committee resolved:

to agree to suspend Standing Order 37.2 (Length of Meetings).

CONFIDENTIAL BUSINESS

2. The Committee was advised that the applications listed at item 7 on the agenda were to be heard in private and treated as confidential information in terms of Section 50(A)(3)(b) of the Local Government (Scotland) Act 1973.

The Committee resolved:

to note that applications/requests to be heard in private and treated as confidential information in terms of Section 50(A)(3)(b) of the Local Government (Scotland) Act 1973 were listed at item 7 on the agenda.

DECLARATIONS OF INTEREST

3. The following declarations of interest were intimated at this time:

- (i) Councillor Cameron declared an interest in relation to item 8.23 (Application for the Grant of a Special Events Private Hire Operator/Driver's Licence - Robert Carmichael) by virtue of press statements, and withdrew from the meeting prior to consideration of this item;
- (ii) Councillor Imrie declared an interest in relation to items 8.7 to 8.10 (all of which were applications for the Renewal/Grant of Street Trader's Licences) by virtue of her intention to apply for a street trader licence in the near future, and withdrew from the meeting prior to consideration of these items;

LICENSING COMMITTEE

6 February 2018

- (iii) Councillor Sandy Stuart declared an interest in relation to items 7.3 (Application for the Renewal of a Taxi Driver's Licence), 7.5 (Application for the Renewal of a Taxi Driver's Licence) and 7.14 (Application for the Renewal of a Taxi Driver's Licence) by virtue of knowing the applicants, and withdrew from the meeting prior to consideration of each of these items;
- (iv) Councillor McRae declared an interest in relation to item 7.29 (Application for the Grant of a Substitution of a Taxi Operator's Licence) by virtue of knowing the applicant, and withdrew from the meeting prior to consideration of this item; and
- (v) Councillor Sellar declared an interest in relation to item 7.30 (Application for the Grant of a Second Hand Dealer's Licence) by virtue of knowing the applicant, and withdrew from the meeting prior to consideration of this item.

MINUTE OF PREVIOUS MEETING OF 19 DECEMBER 2017

5. The Committee had before it the minute of its previous meeting of 19 December 2017.

The Committee resolved:

to approve the minute as a correct record.

MINUTES OF THE MEETINGS OF THE LICENSING URGENT BUSINESS SUB COMMITTEE 13 DECEMBER 2017 AND 9 JANUARY 2018

6. The Committee had before it the minutes of the meetings of the Licensing Urgent Business Sub Committee of 13 December 2017 and 9 January 2018.

The Committee resolved:

to approve the minutes as correct records

MINUTE OF THE MEETING OF THE LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE 13 DECEMBER 2017

7. The Committee had before it the minutes of the meeting of the Licensing Evidential Hearing Sub Committee of 13 December 2017.

The Committee resolved:

to approve the minute as a correct record.

COMMITTEE BUSINESS STATEMENT

8. The Committee had before it a statement of Committee Business prepared by the Head of Legal and Democratic Services.

LICENSING COMMITTEE

6 February 2018

The Committee resolved:

- (i) to delete resolutions (ii) and (ii) item 5 (Update on Driver Training and Knowledge Test), subject to the decision taken later on the agenda; and
- (ii) to otherwise note the updates contained in the statement.

COMMITTEE TRACKER

9. The Committee had before it a tracker of future committee business.

The Committee resolved:

to note the information contained in the committee report tracker.

CONFIDENTIAL INFORMATION

The press and public were excluded from the meeting for consideration of the applications listed in section 7 on the agenda and appendix A of the minute which contained confidential information in terms of Section 50A 3(b) of the Local Government (Scotland) Act 1973.

APPLICATION FOR LICENCES

10. 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.

APPLICATION FOR LICENCES

11. 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.

KNOWLEDGE TEST CONSULTATION

12. With reference to article 12 of the minute of the meeting of the Licensing Committee of 12 September 2017, the Committee had before it a report by the Head of Legal and Democratic Services.

LICENSING COMMITTEE

6 February 2018

The report recommended –

that the Committee

- (a) note the responses received to the consultation exercise;
- (b) implement with immediate effect the proposed changes to the procedures for implementing the knowledge test for applicants for taxi and private hire driver's licences; and
- (c) agree to make no changes to the content of the knowledge test at this time.

The Committee resolved:

- (i) to note the responses received to the consultation exercise;
- (ii) to agree to implement with immediate effect the proposed changes to the procedures for implementing the knowledge test for applicants for taxi and private hire driver's licences, with a fee of £15 for the knowledge test to be applied;
- (iii) to agree to make no changes to the content of the knowledge test at this time; and
- (iv) to instruct the Licensing Team Leader to report on potential training required for drivers on satellite navigation systems to ensure public safety as part of the future report on driver training which was to be reported to the Committee in August 2018.

- COUNCILLOR JOHN REYNOLDS, Convener

LICENSING COMMITTEE

6 February 2018

APPENDIX A**1. LANDLORD REGISTRATION**
Application Reference Number - 7/01

With reference to article 2 of Appendix A of the minute of the meeting of the Licensing Committee of 19 December 2017, the Committee had before it a report by the Private Sector Housing Manager in respect of an application for landlord registration which included a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 8 September 2017.

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

The applicant was not in attendance, however was represented by his father, who was accompanied by his wife. The applicant's father spoke in support of his son's application.

The Committee asked questions of the Sergeant Flett and the applicant's representative.

Neither party took up the opportunity to sum up.

The Committee resolved:
to approve the application.

2. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE
Application Reference Number - 7/02

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 May 2018; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 1 December 2017.

The applicant was in attendance and spoke in support of his 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 did not take up the opportunity to sum up.

LICENSING COMMITTEE

6 February 2018

The applicant summed up.

The Committee resolved:
to approve the application.

DECLARATION OF INTEREST

In accordance with article 3 of this minute, Councillor Sandy Stuart left the meeting prior to consideration of the following item of business.

3. **APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE** **Application Reference Number - 7/03**

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 February 2018.

The applicant was in attendance and requested that documents be entered into proceedings and explained why these had not been available earlier.

Mr Munro, Legal Advisor, provided the Committee with a verbal update on the application and advised that a letter from the Council's Occupation Health Provider had been received.

The Committee resolved:
to agree that the documents from the applicant and the letter from the Council's Occupation Health Provider in respect of the application be accepted into proceedings.

The applicant spoke in support of the application.

The Committee asked questions of the applicant.

The applicant summed up.

Councillor Allard, seconded by Councillor Henrickson, moved:-
that the Committee refuse the application on the grounds of public safety.

Councillor Allan, seconded by the McRae, moved as an amendment:-
that the Committee grant the application.

On a division, there voted:- for the motion (9) –the Vice Convener; and Councillors Allard, Bell, Cameron, Henrickson, Catriona Mackenzie, Sellar, Townson and Yuill; for the amendment (5) – the Convener; and Councillors Allan, Imrie, Malik and McRae.

LICENSING COMMITTEE

6 February 2018

The Committee resolved:

- (i) to adopt the motion;
- (ii) to instruct the Licensing Team Leader to publicise the obligation for taxi and private hire drivers to report any material change in their circumstances to the Licensing Authority;
- (iii) to instruct the Licensing Team Leader to review the current policy on medical standards for taxi and private hire drivers and to report back in this regard to the Committee in August 2018; and
- (iv) to instruct the Licensing Team Leader to submit a report to the next meeting of the Committee detailing the process and performance for medical assessments for taxi and private hire applications, for its interest.

4. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE

Application Reference Number - 7/04

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 17 March 2018.

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

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

The Committee asked questions of the applicant.

The applicant summed up.

The Committee resolved:

to defer consideration of the application to allow a medical report from OH Assist to be received 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.

DECLARATION OF INTEREST

In accordance with article 3 of this minute, Councillor Sandy Stuart left the meeting prior to consideration of the following item of business.

5. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

Application Reference Number - 7/05

LICENSING COMMITTEE

6 February 2018

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 17 March 2018.

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

The applicant was in attendance, accompanied by his wife, and spoke in support of his application.

The Committee asked questions of the applicant.

The applicant did not take up the opportunity to sum up.

The Committee resolved:

to defer consideration of the application to allow a medical report from OH Assist to be received 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.

6. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE
Application Reference Number - 7/06

The Committee was advised that the item had been withdrawn from the agenda.

7. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/07

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 21 March 2018.

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

The applicant was not in attendance.

The Committee resolved:

to defer consideration of the application to allow a medical report from OH Assist to be received 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

6 February 2018

8. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/08

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

9. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/09

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

10. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/10

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 6 February 2018.

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

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

The Committee asked questions of the applicant.

The applicant did not take up the opportunity to sum up.

The Committee resolved:

- (i) to refuse the application;
- (ii) to agree that should the applicant meet the Group 2 DVLA medical criteria following receipt of a further medical report this would result in a material change of circumstance and therefore a new application could be processed for the applicant; and
- (iii) should the applicant submit a new application, to agree to waive the fee for that single application and the requirement for the applicant to undertake a street knowledge test.

11. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/11

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 28 February 2018.

LICENSING COMMITTEE

6 February 2018

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

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

The Committee asked questions of the applicant.

The applicant did not take up the opportunity to sum up.

The Committee resolved:

to defer consideration of the application to allow a medical report from OH Assist to be received 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.

12. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/12

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 17 February 2018.

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

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

The Committee asked questions of the applicant.

The applicant did not take up the opportunity to sum up.

The Committee resolved:

to defer consideration of the application to allow a medical report from OH Assist to be received 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.

13. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/13

LICENSING COMMITTEE

6 February 2018

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 February 2018.

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

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

The Committee asked questions of the applicant.

The applicant did not take up the opportunity to sum up.

The Committee resolved:
to grant the application.

14. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/14

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

15. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/15

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 28 February 2018.

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

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

The Committee asked questions of the applicant.

The applicant did not take up the opportunity to sum up.

The Committee resolved:
to defer consideration of the application to allow a medical report from OH Assist to be received 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

6 February 2018

16. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/16

The Committee was advised that the item had been withdrawn from the agenda.

17. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/17

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

18. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/18

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 15 April 2018.

Mr Munro, Legal Advisor, provided the Committee with a verbal update on the application and advised that a letter from the Council's Occupation Health Provider had been received.

The Committee resolved:

to agree that the letter from the Council's Occupation Health Provider in respect of the application be accepted into proceedings.

The applicant was not in attendance.

The Committee resolved:

to refuse the application.

19. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/19

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

20. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/20

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

LICENSING COMMITTEE

6 February 2018

21. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/21

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

22. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/22

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

23. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/23

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 25 February 2018.

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

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

The Committee asked questions of the applicant.

The applicant did not take up the opportunity to sum up.

The Committee resolved:

to defer consideration of the application to allow a medical report from OH Assist to be received 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.

DECLARATION OF INTEREST

In accordance with article 3 of this minute, Councillor Sandy Stuart left the meeting prior to consideration of the following item of business.

24. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/24

LICENSING COMMITTEE

6 February 2018

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 25 March 2018.

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

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

The Committee asked questions of the applicant.

The applicant did not take up the opportunity to sum up.

The Committee resolved:

to defer consideration of the application to allow a medical report from OH Assist to be received 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.

25. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/25

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 16 February 2018.

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

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

The Committee asked questions of the applicant.

The applicant did not take up the opportunity to sum up.

The Committee resolved:

to defer consideration of the application to allow a medical report from OH Assist to be received 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

6 February 2018

26. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/26

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 8 February 2018.

Mr Munro, Legal Advisor, provided the Committee with a verbal update on the application and advised that a letter from the Council's Occupation Health Provider had been received.

The Committee resolved:

to agree that the letter from the Council's Occupation Health Provider in respect of the application be accepted into proceedings.

The applicant was in attendance and spoke in support of his application during which he advised the he wished to withdraw his application.

The Committee asked questions of the applicant.

The applicant did not take up the opportunity to sum up.

The Committee resolved:

- (i) to note that the applicant had withdrawn the application; and
- (ii) to agree that should the applicant submit a new application, to agree to waive the fee for that single application and the requirement for the applicant to undertake a street knowledge test.

27. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/27

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 15 April 2018.

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

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

The Committee asked questions of the applicant.

The applicant did not take up the opportunity to sum up.

LICENSING COMMITTEE

6 February 2018

The Committee resolved:

to defer consideration of the application to allow a medical report from OH Assist to be received 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.

28. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/28

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

DECLARATION OF INTEREST

Councillors McRae and Sandy Stuart left the meeting prior to consideration of the following item of business as both Councillors knew the applicant.

29. APPLICATION FOR THE GRANT OF A SUBSTITUTION OF A TAXI OPERATOR'S LICENCE
Application Reference Number - 7/29

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

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

The applicant was in attendance, accompanied by his Trade Union representative, who spoke in support of his member's application, during which he requested that documents be entered into proceedings and explained why these had not been available earlier.

The Committee resolved:

to agree that the documents from the applicant be accepted into proceedings.

The Committee asked questions of the applicant and his representative.

The applicant's representative summed up.

The Committee resolved:

to grant the application.

LICENSING COMMITTEE

6 February 2018

DECLARATION OF INTEREST

In accordance with article 3 of this minute, Councillor Sellar left the meeting prior to consideration of the following item of business.

30. APPLICATION FOR THE GRANT OF A SECOND HAND (MOTOR) DEALER'S LICENCE**Application Reference Number - 7/30**

With reference to article 5 of appendix A of the minute of the meeting of the Licensing Committee of 19 December 2018, 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 May 2018; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 1 December 2017.

The applicant was in attendance, accompanied by a friend, and spoke in support of his 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 did not take up the opportunity to sum up.

The applicant summed up.

Councillor Allard, seconded by Councillor Allan, moved:-
that the Committee refuse the application on the grounds that the applicant was not a fit and proper person.

Councillor Townson, seconded by the Convener, moved as an amendment:-
that the Committee grant the application.

On a division, there voted:- for the motion (4) – Councillors Allan, Allard, Bell and Sandy Stuart; for the amendment (9) – the Convener; the Vice Convener; and Councillors Cameron, Henrickson, Imrie, Catriona Mackenzie, Malik, McRae and Townson.

The Committee resolved:
to adopt the amendment.

LICENSING COMMITTEE

6 February 2018

APPENDIX B

- 1. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 107 HAYTON ROAD, ABERDEEN**
Application Reference Number - 8/01

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

- 2. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 136 GREAT NORTHERN ROAD, ABERDEEN**
Application Reference Number - 8/02

The Committee was advised that the item had been withdrawn from the agenda.

- 3. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 179 SKENE STREET, ABERDEEN (TOP FLOOR FLAT)**
Application Reference Number - 8/03

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

- 4. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 2 IVANHOE WALK, ABERDEEN**
Application Reference Number - 8/04

The Committee was advised that the item had been withdrawn from the agenda.

- 5. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 15 SPITAL, ABERDEEN**
Application Reference Number - 8/05

The Committee had before it a report by the Private Sector Housing Manager in respect of the application.

The respondent, Patrick and Jacinta Birchley, were not in attendance and were not represented.

The applicant, Breidge McKeever, Director of Comper and Company Limited was in attendance and support of the application.

The Committee asked questions of the applicant.

LICENSING COMMITTEE

6 February 2018

The applicant summed up.

The Committee resolved:
to grant the licence.

6. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 17 SPITAL, ABERDEEN
Application Reference Number - 8/06

The Committee had before it a report by the Private Sector Housing Manager in respect of the application.

The respondent, Patrick and Jacinta Birchley, were not in attendance and were not represented.

The applicant, Breidge McKeever, Director of Comper and Company Limited was in attendance and support of the application.

The Committee asked questions of the applicant.
The applicant summed up.

The Committee resolved:
to grant the licence.

DECLARATION OF INTEREST

In accordance with article 3 of this minute, Councillor Imrie left the meeting prior to consideration of the following item of business.

7. APPLICATION FOR THE RENEWAL OF A STREET TRADER'S LICENCE - MAUREEN ROSS
Application Reference Number - 8/07

The Committee had before it (1) an information note prepared by the Head of Legal and Democratic Services in respect of the application; and (2) one letter of representation.

The applicant, Ms Maureen Ross, was in attendance, accompanied by her daughter Ms Wendy Ross.

The Committee heard from the applicant in support of the application. The Committee asked questions of the applicant.

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The respondent, Cherry Paton, Moorfield Group, was in attendance and spoke in support of the letter of representation. The Committee asked questions of the respondent.

The Committee resolved:

to grant the application.

DECLARATION OF INTEREST

In accordance with article 3 of this minute, Councillor Imrie left the meeting prior to consideration of the following item of business.

8. **APPLICATION FOR THE GRANT OF A STREET TRADER'S LICENCE -
LEANNE THOMSON**
Application Reference Number - 8/08

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

DECLARATION OF INTEREST

In accordance with article 3 of this minute, Councillor Imrie left the meeting prior to consideration of the following item of business.

9. **APPLICATION FOR THE GRANT OF A STREET TRADER'S LICENCE -
ANDREA DOUGLAS**
Application Reference Number - 8/09

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 1 April 2018, and to date the applicant had not provided a copy of the required Certificate of Compliance.

The applicant, Andrea Douglas, was not in attendance.

The Committee resolved:

to defer consideration of the application to allow a Certificate of Compliance to be received and to agree that should a certificate be received, 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

6 February 2018

10. APPLICATION FOR THE RENEWAL OF A STREET TRADER'S LICENCE - SARAH BEATTIE
Application Reference Number - 8/10

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

11. APPLICATION FOR THE RENEWAL OF AN INDOOR SPORTS ENTERTAINMENT LICENCE - SPORT ABERDEEN, LINX ICE ARENA
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 been placed on the agenda as it required to be determined by 5 March 2018, and to date the applicant had received a clear report from Building Standards and (2) an email from Building Standards detailing the outstanding works that required to be completed by the applicant.

Stephen Quigley, Sport Aberdeen, was in attendance on behalf of the applicant and spoke in support of the application.

The Committee asked questions of the applicant.

The applicant did not take up the opportunity to sum up.

The Committee resolved:

to defer consideration of the application to allow a clear report from Building Standards to be received and to agree that should a clear report be received, 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.

12. APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE - ST CLEMENT CHURCH
Application Reference Number - 8/12

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

13. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE - ZAFAR IQBAL
Application Reference Number - 8/13

LICENSING COMMITTEE

6 February 2018

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

14. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE - GOLDEN HOUSE ABERDEEN LTD
Application Reference Number - 8/14

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 2 April 2018, and to date the applicant had not returned a signed display notice as required by the Civic Government (Scotland) Act 1982.

The applicant, Xinmeh Lin, was in attendance, accompanied by Zhiyino Lin, who spoke in support of the application.

The Committee asked questions of the applicant.

The applicant did not take up the opportunity to sum up.

The Committee resolved:

to defer consideration of the application to allow a site note to be received and to agree that should the applicant provide the required site note, 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.

15. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE - ROBERT MACKINTOSH MCKENZIE
Application Reference Number - 8/15

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 28 February 2018, and to date the applicant had passed the required street knowledge test.

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

The Committee 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 street knowledge test, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred

LICENSING COMMITTEE

6 February 2018

to the meeting of the Licensing Urgent Business Sub Committee for consideration.

16. **APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE - SHAFIQR KHAN**
Application Reference Number - 8/16

The Committee noted that the application had been withdrawn.

17. **APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE - ALA EDDIN AL SAHAR**
Application Reference Number - 8/17

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 20 May 2018, and to date the applicant had passed the required street knowledge test.

The applicant, Ala Eddin Al Sahar, was in attendance and spoke in support of the application.

The Committee resolved:
to grant the application.

18. **APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE - COLIN BRUCE TAYLOR**
Application Reference Number - 8/18

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

19. **APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - JAMES GORDON ANDREWS**
Application Reference Number - 8/19

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

20. **APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - CITY WIDE TAXIS**
Application Reference Number - 8/20

LICENSING COMMITTEE

6 February 2018

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

21. **APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - RAINBOW CARS (T916)**
Application Reference Number - 8/21

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

22. **APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - RAINBOW CARS (T917)**
Application Reference Number - 8/22

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

DECLARATION OF INTEREST

In accordance with article 3 of this minute, Councillor Cameron left the meeting prior to consideration of the following item of business.

23. **APPLICATION FOR THE GRANT OF A SPECIAL EVENTS PRIVATE HIRE OPERATOR/DRIVER'S LICENCE - ROBERT CARMICHAEL**
Application Reference Number - 8/23

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 been placed on the agenda as the applicant wished to gauge the view of the Committee of such a licence before fully committing to the expense of such a venture; and (2) policy guideline specifically for a Special Event Private Hire Car Driver Licence.

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

The Committee resolved:

to agree that it was supportive, in principle, of the activity as described being suitable for Special Events licensing subject to the usual application process.

LICENSING COMMITTEE

ABERDEEN, 14 March 2018. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Malik, Convener; and Councillors Allan, Bell, Donnelly – The Depute Provost (as a substitute for the Convener, Councillor Reynolds), Delaney, Catriona Mackenzie, McRae, Sellar and Townson.

The agenda and reports associated with this minute can be found at:-
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=6307&Ver=4>

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CONVENER

1. In the absence of the Convener, Councillor Malik, Vice Convener, took the Chair for today's meeting.

LICENSING SUB COMMITTEE MEMBERSHIP

2. The Committee had before it a report by the Head of Legal and Democratic Services which presented options for the composition of the Licensing Sub Committee established by Council on 5 March 2018.

The report recommended –

that the Committee set a membership number and composition for the Licensing Sub Committee based on the figures set out in paragraph 4.1 and appoints members thereto, on the basis that names could be provided to the Chief Officer – Governance after the meeting and that he be authorised to finalise membership where required.

The Committee resolved:

to agree that the Sub Committee have 5 members and the following composition (1 SNP, 1 Conservative, 1 Labour, 1 Liberal Democrat and 1 Independent).

- COUNCILLOR MALIK, Convener

LICENSING COMMITTEE

LICENSING URGENT BUSINESS SUB COMMITTEE

ABERDEEN, 25 January 2018. Minute of meeting of the LICENSING URGENT BUSINESS SUB COMMITTEE. Present: Councillor Boulton (as a substitute for Councillor Reynolds), Convener; and Councillors Allard and Townson.

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

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=502&MIId=6084&Ver=4>

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

CONFIDENTIAL INFORMATION

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

CONVENER

1. In the absence of the Convener, Councillor Boulton was appointed as Convener for the meeting.

APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

2. The Sub Committee was advised that the application had been granted under delegated powers.

APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

3. With reference to article 17 of appendix A of the minute of the meeting of the Licensing Committee of 19 December 2017, the Sub Committee had before it an information note 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 30 January 2018.

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

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

Members asked questions of the applicant.

The Sub Committee resolved:-
to approve the application.

LICENSING URGENT BUSINESS SUB COMMITTEE
25 JANUARY 2018

APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

4. The Sub Committee was advised that the application had been withdrawn.

DETERMINATION OF URGENT BUSINESS

5. In terms of Standing Order 33.1, and in accordance with Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, the Sub Committee was informed that the Convener had determined: (1) that item 5 on the agenda (article 6 of this minute refers) was of an urgent nature to enable the application to be determined in accordance with the timescales detailed in the Civic Government (Scotland) Act 1982; and (2) that the Sub Committee required to consider this item and take a decision thereon.

The Sub Committee resolved:-

to agree with the Convener that the item 5 on today's agenda (item 5 of this minute refers) was of an urgent nature and required to be considered this day.

APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

6. With reference to article 23 of appendix A of the minute of the meeting of the Licensing Committee of 19 December 2017, the Sub Committee had before it an information note 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 26 January 2018.

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

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

Members asked questions of the applicant.

The Sub Committee resolved:-

- (i) to refuse the application;
- (ii) to agree that should the applicant meet the Group 2 DVLA medical criteria following receipt of a further medical report this would result in a material change of circumstance and therefore a new application could be processed for the applicant; and
- (iii) should the applicant submit a new application, to agree to waive the fee for that single application and the requirement for the applicant to undertake a street knowledge test.

- **COUNCILLOR MARIE BOULTON, Convener**

LICENSING URGENT BUSINESS SUB COMMITTEE

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LICENSING URGENT BUSINESS SUB COMMITTEE

ABERDEEN, 15 February 2018. Minute of meeting of the LICENSING URGENT BUSINESS SUB COMMITTEE. Present: Councillor Boulton (as a substitute for Councillor Reynolds), Convener; and Councillors Allard, Donnelly and Townson.

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

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=502&MIId=6126&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.

CONVENER

1. In the absence of the Convener, Councillor Boulton was appointed as Convener for the meeting.

CONFIDENTIAL INFORMATION

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

APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

2. With reference to article 12 of appendix A of the minute of the meeting of the Licensing Committee of 6 February 2018, the Sub Committee had before it an information note 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 17 February 2018.

Ms Wilson, Legal Advisor, provided the Sub Committee with a verbal update on the application.

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

Members asked questions of the applicant.

The Sub Committee resolved:-

- (i) to refuse the application;
- (ii) to agree that should the applicant meet the Group 2 DVLA medical criteria following receipt of a further medical report this would result in a material change of circumstance and therefore a new application could be processed for the applicant; and

LICENSING URGENT BUSINESS SUB COMMITTEE
15 FEBRUARY 2018

(iii) should the applicant submit a new application, to agree to waive the fee for that single application and the requirement for the applicant to undertake a street knowledge test.

- **COUNCILLOR MARIE BOULTON, Convener**

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LICENSING URGENT BUSINESS SUB COMMITTEE

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LICENSING URGENT BUSINESS SUB COMMITTEE

ABERDEEN, 20 February 2018. Minute of meeting of the LICENSING URGENT BUSINESS SUB COMMITTEE. Present: Councillor Reynolds, Convener; and Councillors Allard, Donnelly, Graham and Townson (for article 1).

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

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=502&MIId=6128&Ver=4>

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

CONFIDENTIAL INFORMATION

The press and public were excluded from the meeting for consideration of the applications listed at articles 1 to 4 in terms of Section 50(A)(3)(b) of the Local Government (Scotland) Act 1973.

APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE

1. The Committee noted that the application had been withdrawn.

APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

2. With reference to article 11 of appendix A of the minute of the meeting of the Licensing Committee of 6 February 2018, the Sub Committee had before it an information note 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 28 February 2018.

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

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

Members asked questions of the applicant.

The Sub Committee resolved:-

to defer consideration of the application to allow a medical report from OH Assist to be received 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 on Wednesday 28 February 2018 at 4pm for consideration.

LICENSING URGENT BUSINESS SUB COMMITTEE
20 FEBRUARY 2018

APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

3. With reference to article 23 of appendix A of the minute of the meeting of the Licensing Committee of 6 February 2018, the Sub Committee had before it an information note 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 25 February 2018.

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

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

Members asked questions of the applicant.

The Sub Committee resolved:-

to defer consideration of the application to allow a medical report from OH Assist to be received 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 on Friday 23 February 2018 at 4pm for consideration.

APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

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

DETERMINATION OF URGENT BUSINESS

5. In terms of Standing Order 33.3, and in accordance with Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, the Sub Committee was informed that the Convener had determined: (1) that the items 6 to 9 on the agenda were of an urgent nature to enable the late applications to be determined in a timely manner; and (2) that the Sub Committee required to consider the items and take decisions thereon.

The Sub Committee resolved:-

to agree with the Convener that the items 6 to 9 on today's agenda were of an urgent nature and required to be considered this day.

LICENSING URGENT BUSINESS SUB COMMITTEE
20 FEBRUARY 2018

CONSIDERATION OF A LATE APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE - ANDREW GAULD

6. The Sub Committee had before it an information note by the Head of Legal and Democratic Services in respect of the application for the renewal of a Taxi Driver's Licence which advised that the renewal application was required to be submitted by 31 December 2017, however it had been submitted on 23 January 2018.

The Sub Committee heard from Mr Munro, Legal Advisor, who advised that the Sub Committee may consider accepting a late application, submitted within 28 days of the renewal date.

The applicant was not in attendance.

The Sub Committee resolved:-

to agree to accept the late submission of the application.

CONSIDERATION OF A LATE APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE – CRAIG ROBERTSON

7. The Sub Committee had before it an information note by the Head of Legal and Democratic Services in respect of the application for the renewal of a Taxi Driver's Licence which advised that the renewal application was required to be submitted by 31 December 2017, however it had been submitted on 25 January 2018.

The Sub Committee heard from Mr Munro, Legal Advisor, who advised that the Sub Committee may consider accepting a late application, submitted within 28 days of the renewal date.

The applicant was not in attendance.

The Sub Committee resolved:-

to agree to accept the late submission of the application.

CONSIDERATION OF A LATE APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE – THOMAS MCSTAY

8. The Sub Committee had before it an information note by the Head of Legal and Democratic Services in respect of the application for the renewal of a Taxi Driver's Licence which advised that the renewal application was required to be submitted by 31 December 2017, however it had been submitted on 3 January 2018.

The Sub Committee heard from Mr Munro, Legal Advisor, who advised that the Sub Committee may consider accepting a late application, submitted within 28 days of the renewal date.

The applicant was not in attendance.

LICENSING URGENT BUSINESS SUB COMMITTEE
20 FEBRUARY 2018

The Sub Committee resolved:-

to agree to accept the late submission of the application.

CONSIDERATION OF A LATE APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE – WILLIAM MAIR

9. The Sub Committee had before it an information note by the Head of Legal and Democratic Services in respect of the application for the renewal of a Taxi Driver's Licence which advised that the renewal application was required to be submitted by 31 December 2017, however it had been submitted on 3 January 2018.

The Sub Committee heard from Mr Munro, Legal Advisor, who advised that the Sub Committee may consider accepting a late application, submitted within 28 days of the renewal date.

The applicant was not in attendance.

The Sub Committee resolved:-

to agree to accept the late submission of the application.

- **COUNCILLOR JOHN REYNOLDS, Convener**

LICENSING URGENT BUSINESS SUB COMMITTEE

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LICENSING URGENT BUSINESS SUB COMMITTEE

ABERDEEN, 23 February 2018. Minute of meeting of the LICENSING URGENT BUSINESS SUB COMMITTEE. Present: Councillor Boulton (as a substitute for Councillor Reynolds), Convener; and Councillors Allard, Donnelly and Graham.

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

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=502&MIId=6139&Ver=4>

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CONVENER

1. In the absence of the Convener, Councillor Boulton was appointed as Convener for the meeting.

CONFIDENTIAL INFORMATION

The press and public were excluded from the meeting for consideration of the applications listed at articles 1 to 4 in terms of Section 50(A)(3)(b) of the Local Government (Scotland) Act 1973.

DETERMINATION OF URGENT BUSINESS

2. In terms of Standing Order 33.3, and in accordance with Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, the Sub Committee was informed that the Convener had determined that item 2 on the agenda was of an urgent nature to enable the application to be determined in a timely manner; and (2) that the Sub Committee required to consider the items and take decisions thereon.

The Sub Committee resolved:-

to agree with the Convener that item 2 on today's agenda was of an urgent nature and required to be considered this day.

APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

3. With reference to article 3 of the minute of the meeting of the Licensing Urgent Business Sub Committee of 20 February 2018, the Sub Committee had before it an information note 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 28 February 2018.

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

LICENSING URGENT BUSINESS SUB COMMITTEE
23 FEBRUARY 2018

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

Members asked questions of the applicant.

The Sub Committee resolved:-
to refuse the application.

- **COUNCILLOR MARIE BOULTON, Convener**

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LICENSING URGENT BUSINESS SUB COMMITTEE

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LICENSING URGENT BUSINESS SUB COMMITTEE

ABERDEEN, 28 February 2018. Minute of meeting of the LICENSING URGENT BUSINESS SUB COMMITTEE. Present: Councillor Reynolds, Convener; and Councillors Delaney, Donnelly and Townson.

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

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=502&MIId=6137&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 33.3, and in accordance with Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, the Sub Committee was informed that the Convener had determined: (1) that the items on the agenda were of an urgent nature to enable the applications to be determined in a timely manner; and (2) that the Sub Committee required to consider the items and take decisions thereon.

The Sub Committee resolved:-

to agree with the Convener that the items on today's agenda were of an urgent nature and required to be considered this day.

CONFIDENTIAL INFORMATION

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

APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

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

APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

3. The Sub Committee had before it an information note 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 28 February 2018.

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

LICENSING URGENT BUSINESS SUB COMMITTEE
28 FEBRUARY 2018

The applicant was in attendance, accompanied by his wife, and spoke in support of the application.

Members asked questions of the applicant.

The Sub Committee resolved:-

- (i) to refuse the application;
- (ii) to agree that should the applicant meet the Group 2 DVLA medical criteria following receipt of a further medical report this would result in a material change of circumstance and therefore a new application could be processed for the applicant; and
- (iii) should the applicant submit a new application, to agree to waive the fee for that single application and the requirement for the applicant to undertake a street knowledge test.

- **COUNCILLOR JOHN REYNOLDS, Convener**

LICENSING URGENT BUSINESS SUB COMMITTEE

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LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE

ABERDEEN, 19 February 2017 Minute of meeting of the LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE. Present: Councillor Reynolds, Convener; and Councillors Donnelly, the Depute Provost, Malik and Townson.

The agenda and reports associated with this minute can be found at:-
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=547&MId=6127&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.

PROCEDURE NOTE

1. The Sub Committee had before it a note outlining the procedure to be adopted by the Sub Committee in dealing with the hearing of the request for suspension of a licence as listed on today's agenda.

The Sub Committee resolved:
to note the procedure to be adopted.

CONFIDENTIAL INFORMATION

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

REQUEST FOR THE SUSPENSION OF A TAXI DRIVER'S LICENCE

2. The Sub Committee had before it (1) a letter dated 16 January 2018 from the Chief Constable, Police Scotland, c/o Aberdeen City Division, which in terms of Paragraphs 11 and 12 of Schedule 1 to the Civic Government (Scotland) Act 1982, requested the suspension of the licence holder's taxi driver's licence; and (2) a letter from the licence holder.

The licence holder was in attendance, accompanied by his solicitor, Mr Flowerdew.

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

The Sub Committee asked questions of Sergeant Flett.

The Sub Committee heard from the licence holder's solicitor in support of his case, during which, he requested that the copy of complaint from the Crown Office and Procurator Fiscal Service be circulated to those present.

**LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE
19 FEBRUARY 2018**

The Sub Committee resolved:
to agree to circulate the copy of complaint.

The Sub Committee asked questions of the licence holder and his solicitor.

The Sub Committee resolved:
to agree to take no action.
JOHN REYNOLDS, Convener

LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE

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LICENSING SUB COMMITTEE

ABERDEEN, 21 March 2018. Minute of meeting of the LICENSING SUB COMMITTEE. Present: Councillor Malik, Convener; and Councillors Allan, Delaney and Townson.

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

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=624&MIId=6309>

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 Sub Committee required to appoint a Convener.

The Sub Committee resolved:-

- (i) that Councillor Malik be appointed as Convener for today's meeting; and
- (ii) that Councillor Reynolds be appointed permanent Convener of the Sub Committee.

APPLICATION FOR THE RENEWAL OF A STREET TRADER'S LICENCE – ANDREA DOUGLAS

2. The Sub Committee had before it an information note prepared by the Chief Officer - Governance in respect of the application which advised that the applicant required a Certificate of Compliance and that the application required to be determined by 1 April 2018.

The applicant was not in attendance.

Mr Munro, Legal Advisor, provided the Sub Committee with a verbal update indicating that Environmental Health had still not received an application for the Certificate of Compliance as of today's date.

The Sub Committee resolved:-

to refuse the application.

CONFIDENTIAL INFORMATION

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

LICENSING SUB COMMITTEE
21 March 2018

APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

3. The Sub Committee had before it an information note prepared by the Chief Officer - Governance in respect of the application which advised that the application had been placed on the agenda as it required to be determined by 26 March 2018.

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

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

Members asked questions of the applicant.

The Sub Committee resolved:-

- (i) to refuse the application;
- (ii) to agree that should the applicant meet the Group 2 DVLA medical criteria following receipt of a further medical report this would result in a material change of circumstance and therefore a new application could be processed for the applicant; and
- (iii) should the applicant submit a new application, to agree to waive the fee for that single application and the requirement for the applicant to undertake a street knowledge test.

APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

4. The Sub Committee had before it an information note prepared by the Chief Officer - Governance in respect of the application which advised that the application had been placed on the agenda as it required to be determined by 15 April 2018.

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

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

Members asked questions of the applicant.

The Sub Committee resolved:-

to defer consideration of the application to allow a medical report from OH Assist to be received and to agree that should the applicant meet the Group 2 DVLA medical criteria, the Chief Officer - Governance could grant the application under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Sub Committee prior to 15 April 2018 for consideration.

- **COUNCILLOR M. TAUQUEER MALIK, Convener**

LICENSING URGENT BUSINESS SUB COMMITTEE

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LICENSING SUB COMMITTEE

ABERDEEN, 22 March 2018. Minute of meeting of the LICENSING SUB COMMITTEE. Present: Councillor Reynolds, Convener; and Councillors Delaney, Malik and Townson.

The agenda and reports associated with this minute can be found at:-
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=624&MId=6310&Ver=4>

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

PROCEDURE NOTE

1. The Sub Committee had before it a note outlining the procedure to be adopted by the Sub Committee in dealing with the hearing of the request for suspension of a licence as listed on today's agenda.

The Sub Committee resolved:
to note the procedure to be adopted.

CONFIDENTIAL INFORMATION

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

REQUEST FOR THE SUSPENSION OF A TAXI DRIVER'S LICENCE

2. The Sub Committee had before it (1) an information note prepared by the Chief Officer - Governance in respect of the request for suspension which advised that the request had to be determined by 5 April 2018; and (2) a letter dated 21 February 2018 from the Chief Constable, Police Scotland, c/o Aberdeen City Division, which in terms of Paragraphs 11 and 12 of Schedule 1 to the Civic Government (Scotland) Act 1982, requested the suspension of the licence holder's taxi driver's licence.

The licence holder was not in attendance.

Sergeant Flett was in attendance on behalf of Police Scotland.

The Sub Committee heard from Mr Munro, Legal Advisor, who advised that the licence holder had advised that he was unable to attend today's meeting and had ask that the request be deferred to another date to enable him to be in attendance.

**LICENSING SUB COMMITTEE
22 MARCH 2018**

The Sub Committee resolved:

to agree to defer consideration of the request for the suspension of the licence holder's taxi driver licence to a further meeting of the Sub Committee on 3 April 2018 at 9.30am..

JOHN REYNOLDS, Convener

LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE

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LICENSING SUB COMMITTEE

ABERDEEN, 3 April 2018. Minute of meeting of the LICENSING SUB COMMITTEE. Present: Councillor Reynolds, Convener; and Councillors Bell, Malik and Townson.

The agenda and reports associated with this minute can be found at:-
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=624&MId=6330&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.

PROCEDURE NOTE

1. The Sub Committee had before it a note outlining the procedure to be adopted by the Sub Committee in dealing with the hearing of the request for suspension of a licence as listed on today's agenda as item 2.

The Sub Committee resolved:
to note the procedure to be adopted.

CONFIDENTIAL INFORMATION

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

REQUEST FOR THE SUSPENSION OF A TAXI DRIVER'S LICENCE

2. With reference to article 2 of the minute of the meeting of the Sub Committee of 22 March 2018, the Sub Committee had before it (1) an information note prepared by the Chief Officer - Governance in respect of the request for suspension which advised that the request had to be determined by 5 April 2018; and (2) a letter dated 21 February 2018 from the Chief Constable, Police Scotland, c/o Aberdeen City Division, which in terms of Paragraphs 11 and 12 of Schedule 1 to the Civic Government (Scotland) Act 1982, requested the suspension of the licence holder's taxi driver's licence.

The licence holder was not in attendance.

Constable Fyfe was in attendance on behalf of Police Scotland and spoke in support of the request for suspension from Police Scotland.

The Sub Committee asked questions of Constable Fyfe.

LICENSING SUB COMMITTEE

3 APRIL 2018

The Sub Committee resolved:

to agree to suspend the licence holder's taxi driver's licence with immediate effect for its unexpired portion in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 on the basis that the applicant was not a fit and proper person and that the licence holder be instructed to return his licence plates to the Head of Legal and Democratic Services immediately.

PRIVATE HIRE OPERATOR - SUBSTITUTION OF A VEHICLE

3. The Sub Committee had before it an information note prepared by the Chief Officer - Governance in respect of the application which advised that the applicant wished to substitute his existing vehicle with a vehicle type which was outwith the current policy onto licence PH223.

The applicant Mr Jack was in attendance, along with his representative by Mr Campbell, Unite the Union.

The Sub Committee heard from Ms Jennifer Wilson, Legal Advisor, who advised that the current policy for licensing of Taxis/Private Hire vehicles permits vehicles that were a saloon, estate (derived from a Saloon), MPV (people carrier), Mini-Bus (8 passengers or less) or accessible vehicle and that the applicant's current and proposed vehicle did not comply with these vehicle types. She explained that the applicant's current vehicle was of the same type of vehicle and that this had been approved in 2014 in error.

Mr Campbell spoke on behalf of the applicant, and in support of the request for the substitution of a vehicle.

Members of the Sub Committee asked questions of the applicant.

The Sub Committee resolved:-

to approve the application in light of the special circumstances.

JOHN REYNOLDS, Convener

LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE

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LICENSING COMMITTEE BUSINESS PLANNER

The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.

Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate		If delayed, removed, transferred or withdrawn, enter either D, R, T or W	Explanation if delayed, removed, transferred or withdrawn
17 April 2018								
Taxi Fare Review	To provide the Committee with information that will allow it to reach an informed decision to any changes to be made to the current taxi fare tariff and comply with its duty to review taxi fares under section 17 of the Civic Government (Scotland) Act 1982.		Karen Gatherum	Governance	Governance	3		
Process and Performance For Medical Assessments In Relation To Taxi and Private Hire Car Drivers	Licensing Committee on 6/2/18 agreed to instruct the Licensing Team Leader to submit a report to the next meeting of the Committee detailing the process and performance for medical assessments for taxi and private hire applications, for its interest.		Jennifer Wilson	Governance	Governance	3		
5 June 2018								
	Licensing Committee 25.10.16 articles 5 and 9 - The Committee resolved: (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; (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; (iii) to instruct officers to meet with trade representatives to explore the restructure of tariff charges and report back to the Committee thereafter; (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 (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.							

Taxi Fare Review	The Committee resolved to (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; (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; (iii) to instruct officers to meet with trade representatives to explore the restructure of tariff charges and report back to the Committee thereafter; (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 (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.		Karen Gatherum/Lynn May	Governance	Governance				3
Taxi Demand Survey	Licensing Committee 28.04.17 article 14, 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.		Lynn May	Governance	Governance				3
Taxi Rank Review	Licensing Committee 13.06.17 article 10 - 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.		Lynn May	Governance	Governance				3
Accessible Vehicle Policy Update	Licensing Committee 12.9.17 article 16 - The Committee resolved to instruct the Head of Legal and Democratic Services to report back to a future meeting of the Licensing Committee in 2018 with the results of the consultation, and the legal and financial implications of a mixed fleet policy, at which time the Committee would determine whether a new mixed fleet policy should be drafted.		Alexander Munro	Fraser Bell	Governance				7
Development of Models for Civic Leadership and Engagement	To consider models for Civic Leadership and Engagement		Derek McGowan	Early Intervention and Community Empowerment	Customer				
21 August 2018									
Review of Policy on Medical Standards for Taxi and Private hire Drivers	Licensing Committee on 6/2/18 agreed to instruct the Licensing Team Leader to review the current policy on medical standards for taxi and private hire drivers and to report back in this regard to the Committee in August 2018.		Lynn May	Governance	Governance				7

Driver Training - Satellite navigation	Licensing Committee on 6/2/18 agreed to instruct the Licensing Team Leader to report on potential training required for drivers on satellite navigation systems to ensure public safety as part of the future report on driver training which was to be reported to the Committee in August 2018.		Alexander Munro	Governance	Governance	7		
Possible Methods of Delivery of Driver Training	Licensing Committee 12.9.17 article 12 - The Committee resolved to instruct 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		Alexander Munro	Governance	Governance	7	D	Delayed from the Licensing Committee on 6/2/18 due to the level of consultation required for this item and to ensure sufficient timescale for responses and consideration of those, this item will be reported to the Committee in August 2018.
Sexual Entertainment Licences	To present options for consideration in light of new legislation.	Report pending legislation.	Alexander Munro	Governance	Governance	3		
30 October 2018								
11 December 2018								
19 February 2019								
23 April 2019								
Annual Committee Effectiveness Report	To present the annual effectiveness report for the Committee.			Governance	Governance	7		
May 2019 Onwards								
TBC								
Age Policy For Private Hire And Taxi Vehicles	Licensing Committee 08.03.16 (article 3 appendix A) - Council on 11 May 2016 resolved, amongst other things, to instruct the Head of Legal and Democratic Services to review the policy on Age of Vehicles following the implementation of the accessible vehicle policy on 6 June 2018 and report back to the Licensing Committee with recommendations as appropriate twelve months after the accessible vehicle policy had been implemented.	Report to be submitted 12 months after the implementation of the accessible vehicle policy.	Sandy Munro	Governance	Governance	7		

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LICENSING COMMITTEE
17th APRIL 2018
LIST OF APPLICATIONS

	Application Type	Name of Applicant(s)	Premises, Vehicle or Area to which Application Refers	Objections or Representations Received From	Date by which Application to be Determine (If Applicable)	Pages
1.	HMO Application (Renewal)	Barry D.J.Stephen & Yana Stephen + Alan Morrison	8 Elmfield Terrace, Aberdeen	One objection	21 December 2018	161 - 168
2.	HMO Application (Renewal)	Robert R.Sutherland	3 Cattofield Place, Aberdeen	One objection	10 January 2019	169 - 180
3.	HMO Application (Renewal)	Alex Mijares + Virginia Siles	37 Corthan Crescent, Aberdeen	One objection	11 February 2019	181 - 210
4.	Street Trader (Renewal)	C&L Catering Partnership	Moss Road 68M South of Gateway Drive	EH (CofC)	21 May 2018	211 - 212
5.	Street Trader (Grant)	Elaine Elrick	Kirkton Avenue, Pitmeden Industrial Estate 170M North East of the Southern Junction of Kirkton Avenue & Pitmeden Road	EH (CofC)	01 May 2018	213 - 214
6.	Street Trader (Variation)	Elaine Sullivan - "Sully Snacks"	Loch of Loirston, Wellington Road West Side, 720M South of Charleston Road North	Police Objection Roads 2 x Public Objectors	14 July 2018	215 - 226
7.	Public Charitable Collection	Emma Moore – Children Hospice Association Scotland	Football Pitches, Hazlehead Park, Aberdeen	LEGAL	06 August 2018	227 - 228
8.	Private Hire Car Driver (Grant)	Paul Bruce	N/A	LEGAL (SK + RTW)	24 April 2018	229 - 230
9.	Private Hire Driver (Renewal)	Ronald Forbes	PHD256	LEGAL (SK)	07 May 2018	231 - 232

10.	Private Hire Car Driver (Renewal)	Rajneesh Rattan	N/A	LEGAL (SK + RTW)	12 May 2018	233 - 234
11.	Private Hire Car Driver (Renewal)	Shaista Miah	N/A	LEGAL (SK + RTW)	13 May 2018	235 - 236
12.	Private Hire Driver (Renewal)	Tula Miah	PHD272	LEGAL (SK)	19 April 2018	237 - 238
13.	Private Hire Car (Renewal)	Jakub Brzakalski	N/A	LEGAL (SK)	30 April 2018	239 - 240
14.	Taxi Driver (Renewal)	Gary Ewing	N/A	LEGAL (RTW)	27 May 2018	241 - 242
15.	Taxi Driver (Renewal)	Thomas Frisken	N/A	LEGAL (RTW)	21 May 2018	243 - 244
16.	Taxi Driver (Renewal)	Joel Jemine	N/A	LEGAL (RTW)	31 May 2018	245 - 246
17.	Taxi Driver (Renewal)	Paul Robbie	N/A	LEGAL (RTW)	29 May 2018	247 - 248
18.	Taxi Driver (Renewal)	Stephen White	N/A	LEGAL (RTW)	29 May 2018	249 - 250
19.	Taxi Operator (Renewal)	David Knowles	T085 – NB08 NHK	LEGAL	29 May 2018	251 - 252
20.	Taxi Operator (Grant)	Omer Kus	GJ15 MUO	LEGAL	01 May 2018	253 - 254
21.	Taxi Operator (Renewal)	Moncef Meskini	A009 – SF12 LKD	LEGAL	26 May 2018	255 - 256
22.	Taxi Operator (Renewal)	Rainbow City Cars Ltd	T574 – SF65 BUV	LEGAL	22 May 2018	257 - 258

23.	Taxi Operator (Renewal)	Philip Ritchie	T028 – YY06 XRP	LEGAL	18 April 2018	259 - 260
24.	Private Hire Car (Renewal)	Michael Cheyne	PH228- MX63 AGZ	LEGAL	22 May 2018	261 - 262

ABBREVIATIONS:

LEGAL Legal 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

Operations & Protective Services

Lower Ground Floor West, Marischal College

To	Fraser Bell, Chief Officer – Governance		
From	Ally Thain, Private Sector Housing Manager, Operations & Protective Services		
Email	allyt@aberdeencity.gov.uk	Date	5 April 2018
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.8 Elmfield Terrace, Aberdeen

Applicant/s: Barry D.J.Stephen & Yana Stephen

Agent: Alan Morrison

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 17 April 2018 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

The premises:

The property at No.8 Elmfield Terrace, Aberdeen, is a two-storey semi-detached house 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 15 December 2017 and was received by the HMO Unit on 22 December 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 4 January 2018 – 26 January 2018.

Letter of representation:

One written representation was received by the HMO Unit on 18 January 2018, 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'.

Letter from Agent

The Agent wrote to the respondent and a copy of the letter is attached as Appendix 'C'.

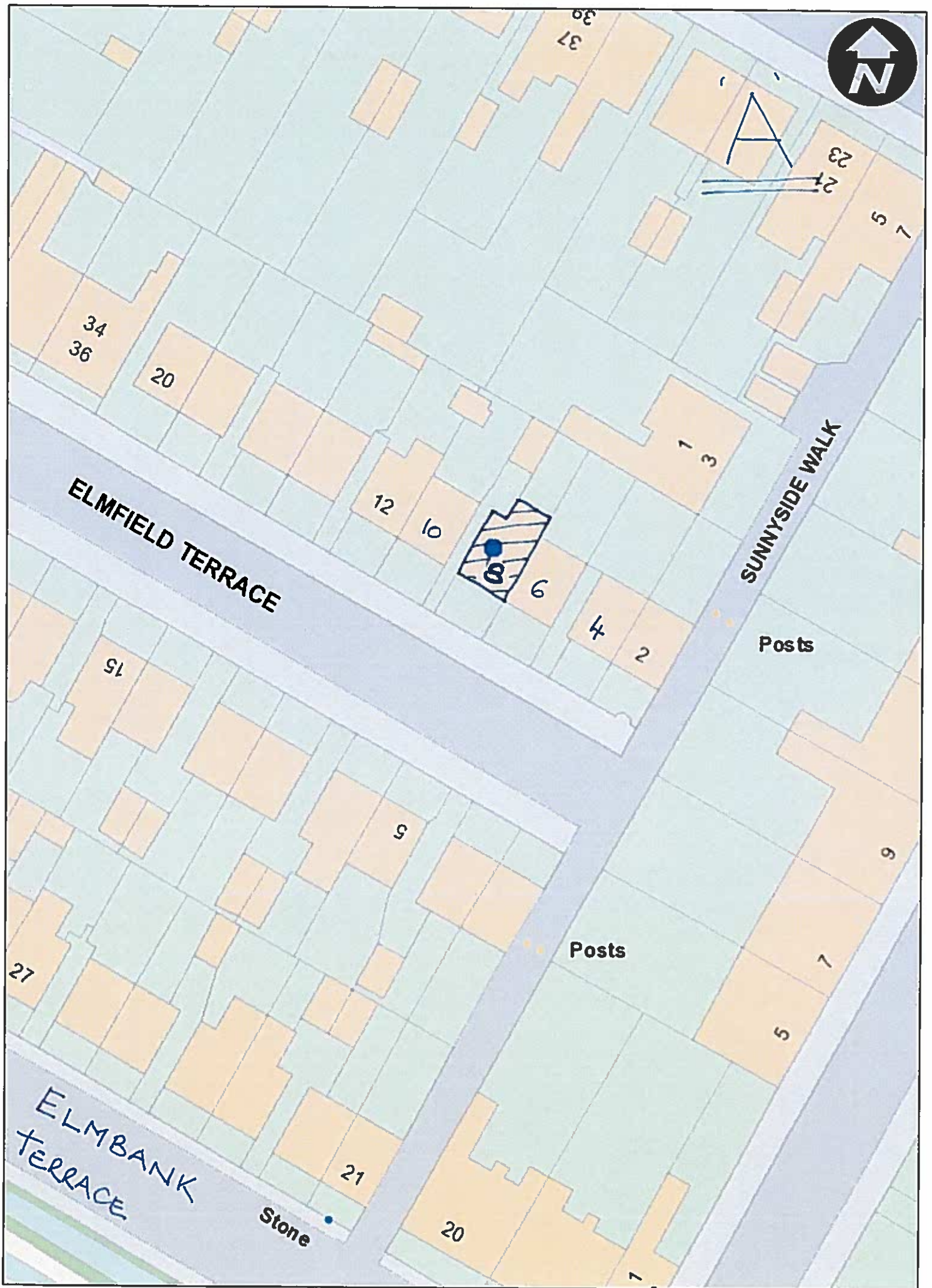
Other Considerations:

- Police Scotland has been consulted in respect of the applicants' suitability as 'fit & proper' persons and 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 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.8 Elmfield Terrace, Aberdeen.
- The applicants, their property and their agent are all currently registered with Landlord Registration.
- 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 to renew an existing HMO licence, which was first granted in January 2015.
- The letter of representation mentions that "...*this area has now reached saturation level for the number of HMOs...*". Elmfield Terrace and the surrounding area is close to Aberdeen University and therefore a popular choice for student accommodation. There are 5 HMO-licensed properties at Nos.5, 8, 21, 23 & 38 Elmfield Terrace.

- The reference in the letter of representation to “*saturation level*” infers that the area is already over-provided for in terms of HMO-licensed properties. HMO Overprovision is a statutory ground of refusal (see (ix) above) but can only be exercised if an ‘Overprovision’ policy has first been agreed by Council. To date the Council has not been able to agree on such a policy and the latest report about this, which was considered by the C, H & I Committee on 16 January 2018, resulted in the Committee resolving to:
“instruct the interim Head of Planning and Sustainable Development to include the topics of HMO Overprovision and Student Accommodation Overprovision within the Main Issues Report for the next Local Development Plan to facilitate mixed/balanced communities.”
It would therefore appear that the Council will not introduce an ‘Overprovision’ policy in respect of the HMO licensing legislation but will instead seek to control HMO accommodation by way of the Planning legislation. Accordingly, the HMO Overprovision ground of refusal cannot be exercised.
- All HMO upgrading work and certification requirements are complete therefore if Committee is minded to grant the HMO licence, it may do so at the meeting on 17 April 2017.

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

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Dear Mr A. Thain,

B

I wish to register my objection to the proposal of the HMO at number 8 Elmfield Terrace.

Having lived in this street for over 20 years, this area has now reached saturation level for the number of HMO's (both for University and private landlords). This has been observed as there was a public consultation on limiting the number of HMO's located in Froghall, Powis and Sunnybank neighbourhoods, as well as Old Aberdeen.

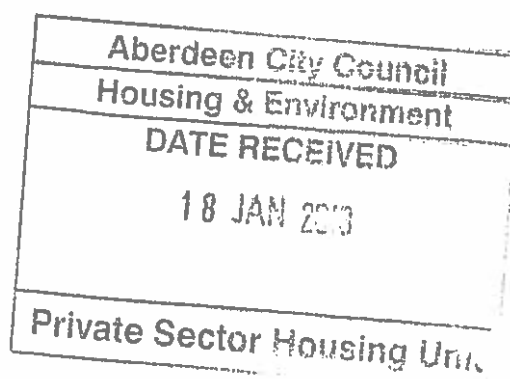
Having a rapid turnover of tenants is eroding the sense of community in this area. Never knowing your neighbours does not allow for any community relationships to be formed.

As these houses are more densely occupied there is a tendency for more noise in houses such as parties lasting well into the night.

Short term tenants do not have same respect for the area. General upkeep of house and garden areas are not being maintained and deteriorate over time. When a tenants lease ends, they have left unwanted furniture and household goods in street and garden on a number of occasions causing an unsightly mess.

Yours sincerely,

Mrs F Cruickshank



C

Mrs F Cruickshank

Dear Mrs Cruickshank

We refer to your letter of January objecting to our application for renewal of our HMO licence for 8 Elmfield Terrace belonging to Barry & Yana Stephen .

I act as agent for Mr & Mrs Stephen and as this objection is likely to cause both yourself and myself considerable work in preparing proof and appearing in the licensing court it may be to both our advantage to perhaps meet and discuss this matter with a view to perhaps reconsidering your objection .

I quote from a letter I have received from the council stating as follows:-At this time the Council does not have an HMO overprovision policy so no HMO application can be refused on this basis.

We do not have a policy of rapid turnover of tenants and a minimum one year let is expected, the four young students we currently have are intending staying for at least another year and are excellent tenants .

We have had no complaints whatever regarding noise or parties and I any such occurrence took place we would like to think we would take immediate appropriate action to ensure the wellbeing of our property.

We employ a gardener/handyman to maintain the garden & property as it is in our interest to do so and as all the furniture belongs to us we do not feel that can be a problem at the end of a tenancy.

On looking round I see that some non HMO properties in the street are quite neglected compared to number eight .

I look forward to hearing from you at your convenience

Kind regards
Alan Morrison

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ABERDEEN
CITY COUNCIL

MEMO

Private Sector Housing Unit

Operations & Protective Services

Lower Ground Floor West, Marischal College

To	Fraser Bell, Chief Officer - Governance		
From	Ally Thain, Private Sector Housing Manager, Operations & Protective Services		
Email	allyt@aberdeencity.gov.uk	Date	5 April 2018
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 Cattofield Place, Aberdeen

Applicant/s: Robert R.Sutherland

Agent: None stated

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 17 April 2018 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

The premises:

The property at No.3 Cattofield Place, Aberdeen, is an upper-floor maisonette flat providing accommodation of 5 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 8 January 2018 and was received by the HMO Unit on 11 January 2018.

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 8 January 2018 – 29 January 2018.

Letter of representation:

One written representation was received by the HMO Unit on 16 January 2018, 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'.

Letter from Applicant:

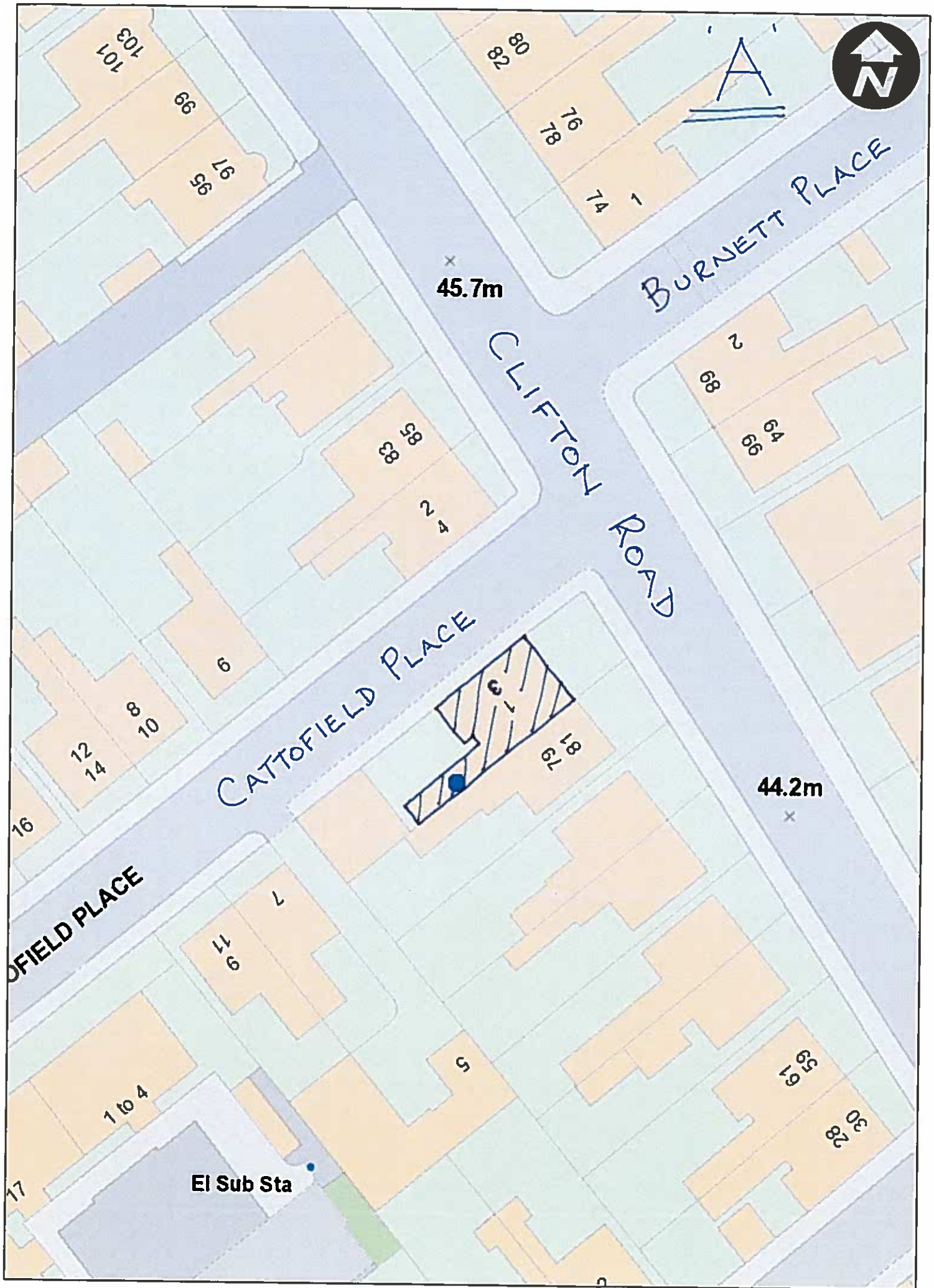
The applicant submitted a letter in response to the letter of representation. The applicant's letter is attached as Appendix 'C'.

Other Considerations:

- Police Scotland has been consulted in respect of the applicant's suitability as 'fit & proper' person and 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 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 Cattofield Place.
- The applicant and No.3 Cattofield Place are currently registered with Landlord Registration. The applicant has also registered another 7 rental properties, of which 6 are HMO-licensed.
- The applicant has requested an occupancy of 5 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 No.3 Cattofield Place in October 2002 and has held one continuously since then.
- The letter of representation refers to "...a number of these flats in our part of Clifton Road...". There are currently 34 HMO-licensed properties along the whole length of Clifton Road at Nos.28, 56, 60, 71, 88, 100, 102, 103, 106, 107, 108, 118, 134, 141, 148, 152, 164A, 169, 176C, 176D, 187, 197, 211A, 217, 237, 261, 277, 281, 294, 353, 362, 397, 437 & 495. In contrast, the only HMO-licensed property in Cattofield Place is No.3, which is the subject of this report.
- All HMO upgrading & certification requirements are complete therefore if Committee is minded to grant the HMO licence, it may do so at the meeting on 17 April 2018.

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

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B

Mr Malcolm Nicol

I wish to log my strong objection to a multi occupancy licence application, for 3 Cattofield Place which has been lodged on 8/1/18 by

Mr Robert Ray Sutherland,

We have had a lot of issues with students who have stayed in the flat which is attached to ours on the corner of Clifton Road and Cattofield Place.

There are a number of these flats in our part of Clifton road which we have had a lot of issues with and had to go to the doors and tell people to cut the noise down.

We have had loud music in the gardens and shouting up and down the paths, smashed glass, people drunk hanging out of windows on the flat directly opposite us which again was full of students. My wife and I have been to the door of 3 Cattofield place on numerous occasions due to noise coming through the walls, and also people sitting with the windows wide open drunk and just a general anti-social behaviour.

There are also a number of elderly residents in the area who are not able to confront these people when there are difficulties like the above.

All of the incidents are always after midnight. It is not on, and as property owners we are totally against this licence being granted.

Yours sincerely

M Nicol

C

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

Aberdeen City Council
Housing & Environment
DATE RECEIVED U 9 FEB 2018
Private Sector Housing Unit

8 February 2018

Ally,

Letter of Representation In Respect of my HMO Licence Renewal for 3 Cattofield Place Aberdeen

I am at a loss as to why this letter of objection has been submitted regarding my application to renew the HMO licence. The letter states "We have had a lot of issues with students who have stayed in the flat". I have contacted both my previous and existing tenants for their comments on the letter. Two of my previous tenants (who moved out in August 2017) occupied the property for 4 years and, as you can see (attached) have never heard from Mr Nicol or his wife. My existing tenants, who moved in on August 2017 and are studying medicine, have had only one visit, before 10pm and not "always after midnight" as stated in the letter, from someone (he did not identify/introduce himself) from Clifton Road in October 2017 (email attached). I therefore cannot understand the statement in the letter "My wife and I have been to the door of 3 Cattofield Place on numerous occasions due to noise coming through the walls".

Mr Nicol makes some general statements about a number of issues he has had with other flats and has had to go and tell people to cut the noise down. He also appears to have had some quite difficult experiences with the flat opposite to his one. These comments are, of course, not relevant to his objection to the Cattofield HMO renewal.

The complaint about "and also people sitting with windows wide open drunk and just a general anti-social behaviour" is a complete mystery to me (email from existing tenants attached, as above). My tenants also have no access or right to the front garden on Clifton Road and shared use of the small rear one.

I have also contacted the Antisocial Behaviour Team in the Council and they confirmed that they have no record of any complaints about 3 Cattofield Place.

I also attach a copy of Clause 7 of the lease with the girls which emphasises how seriously I take my responsibilities as a Landlord.

I am very disappointed that Mr Nicol did not speak to me, before he objected, about any issues he has had with Cattofield Place as I can quite easily deal with them. However, I have written to him (copy attached) and offered to meet and discuss any issues he has. I have also supplied my mobile telephone number and email address so that if he has any problems in the future he can contact me.

I cannot understand the basis for this objection, as demonstrated, and trust the Committee will renew my licence accordingly.

Yours sincerely

Robert R Sutherland

C
OLD TENANTS

From:
Sent: 24 January 2018 08:21
To: Bob Sutherland
Cc:
Subject: Re: Neighbour Complaint

Hi Bob,

This is news to me as well. To my knowledge in the time at Cattofield we never heard from Malcolm Nicol or his wife. The only occasions we were asked to be considerate of noise was with our neighbour downstairs. I hope this helps!

Hope you are well

Grace

On Wed, 24 Jan 2018 at 08:15, Bob Sutherland · wrote:

Imogen, Grace,

Hope you are both doing okay.

I recently applied for renewal of my HMO licence for Cattofield. I had one complaint from a Malcolm Nicol at 81 Clifton Road (next door). His complaint was about noise coming through the walls and people sitting with the windows open and drunk. He also says he has been to the door on numerous occasions about this. This is the first I have heard about this and he has never contacted me. The new tenants have had only one visit from a Clifton Road neighbour in October last year and totally reject the accusations of open windows and being drunk. I think both of you stayed at Cattofield for 4 years. In that time can you recall any visits from him or his wife? Please note there is no insinuation from me about you're your behaviour as you were both excellent tenants, I am only after information.

If you can respond quickly it would be appreciated.

Bob

EXISTING TENANTS

C

From:
Sent:
To:
Subject:

Dear Bob,

Sorry for the delayed reply.

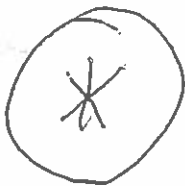
Regards to the complaint, I disagree with all of it. The "numerous occasions" is a totally false allegation, along with "people sitting with the windows wide open drunk". One of the neighbours from Clifton Road, presumably Mr Nicol, visited the property once in October (before 10pm) regarding noise. We have had no issues nor anyone visit the property to complain since then. We have never opened our windows beyond a couple of inches. As for the glass in the streets, I have never seen this and would ask for evidence. I have heard noise late at night, however is this not expected of a street close to a large bar? We have never been a part of this shouting and don't make use of the garden other than to access the bins and bike shed. All of the antisocial behaviour described has not been perpetrated by us.

I feel that this complaint is generalised about student properties in the area, of which there are many. The complaint was written after you lodged the HMO application on 08/01/18. We all vacated the property around 15th December until 9th of January and I feel that this letter is a timed and vindictive move to prevent and remove students staying in the area.

I hope this fabrication is ignored by the council and does not affect the HMO renewal. We are considerate members of the community and have respect for the trust that you put in us as tenants.

Regards,
Tenants of 3 Cattofield Place

- (m) You will not use gas cylinders and will not use blu-tack (or any other colour or type of adhesive) on the walls. Drawing pins are permissible.
- (n) You will not use any areas, other than the designated bedrooms, for sleeping in.
- (o) You will not use candles, except in an emergency.
- (p) The hard wired Smoke Detectors shall not be interfered with and the batteries shall not be removed (except in emergencies or for replacement). Smoke detectors should be tested weekly. Only flatboard electrical adaptors shall be used. Tenants should also be familiar with the instructions on the Fire Extinguishers.
- (q) The Landlord shall not be liable for the temporary deprivation of the occupancy or the full use and enjoyment of the property through the bursting, leaking or failure of water supply, waste or soil pipes or the choking, stoppage or overflow thereof or of the drains, gutters, rhones or conductors or from the failure, fusing or breakdown of the central heating system, electric cables, wires or appliances or the gas supply system.
5. It will be your responsibility to ensure that the plumbing system is kept free from frost at all times. This will include ensuring that during the months of October to March inclusive sufficient heating is available. Further, on any occasion when the property is unoccupied you will take all reasonable precautions to safeguard it and its contents.
6. You will give immediate written notice to the Landlord of any damage to or defect in the property or the contents.
7. Neither you nor any other person for whom you may be responsible or who may have been invited on the property by you will do, or permit to be done upon the property any act, which, in the opinion of the Landlord, may be a nuisance or cause annoyance or damage to or in other way interfere with the comfort of the proprietors or occupiers of neighbouring property or adversely affect the amenity of the neighbourhood. You will not have more than 15 (fifteen) people (including yourselves) in the property at one time. Noise will be kept to a minimum after 10.30pm. You will not do or cause to be done anything which may vitiate any insurance of the building or contents or increase the premium thereof.



Mr Malcolm Nicol

2 February 2018

Mr Nicol,

Letter of Representation In Respect of my HMO Licence Renewal for 3 Cattofield Place Aberdeen

I was very dis-appointed to receive a copy of your letter of objection, also, that you did not contact me about your issues with my tenants. If you want to meet and discuss, I am happy to do so. My number is
email . If not, and you have any issues in the future with any of the tenants please contact me.

Yours sincerely

Bob Sutherland

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ABERDEEN
CITY COUNCIL

MEMO

Private Sector Housing Unit

Operations & Protective Services

Lower Ground Floor West, Marischal College

To	Fraser Bell, Chief Officer - Governance		
From	Ally Thain, Private Sector Housing Manager, Operations & Protective Services		
Email	allyt@aberdeencity.gov.uk	Date	5 April 2018
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.37 Corthan Crescent, Aberdeen

Applicant/s: Alex Mijares

Agent: Virginia Siles

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 17 April 2018 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

The premises:

The property at No.37 Corthan Crescent, Aberdeen, is a ground-floor flat providing accommodation of 4 letting bedrooms, 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 12 February 2018 and was received by the HMO Unit on 12 February 2018.

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 12 February 2018 - 12 March 2018. Only the first 21 days are statutory.

Letter of representation:

One written representation was received by the HMO Unit on 2 March 2018, 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'.

Letter from Applicant:

The applicant submitted a letter in response to the letter of representation. The applicant's 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 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 made no comment or objection.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has a record of 3 separate complaints in January 2017 of anti-social behaviour by the occupiers of No.37 Corthan Crescent. All 3 complaints were made by the same neighbour, and all concerned noise, ie. banging and thumping, none of which was witnessed by the ASBIT team.
- The applicant, his agent and No.37 Corthan Crescent are currently registered with Landlord Registration. The applicant has also registered another 7 rental properties, of which 4 are HMO-licensed.
- 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 No.37 Corthan Crescent in May 2015.
- All HMO upgrading & certification requirements are complete therefore if the Committee is minded to grant the HMO licence, it may do so at the meeting on 17 April 2018.

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

24th of February, 2018

Mrs & Mr Wilczak,

Aberdeen City Council
Housing & Environment
DATE RECEIVED
02 MAR 2018
Private Sector Housing Unit

HMO Unit,
Housing and Environment,
Business Hub 11,
Second Floor West,
Marischal College,
Broad Street,
Aberdeen,
AB10 1AB

Aberdeen City Council
Housing & Environment
DATE RECEIVED
27 FEB 2018
Private Sector Housing Unit

Ref: Application for license for a House of Multiple Occupation for Dr Alex Mijares and Mrs Virginia Siles regarding to 37 Corthan Crescent, Aberdeen.

Dear Sir/Madam,

We have growing concerns regarding to who the landlords will chose to rent the flat at 37 Corthan Crescent. Since we moved in, but mostly since the beginning of 2015 we have had many problems with people renting the rooms there.

Tenant Mr (who is evicted now) is the best example of the most of the problems we had till today. He was causing disturbances, making noise and playing the loud music late at night and each time he got drunk. He was even urinating to our garden! He knocked down the doors to his room, because he has lost the key one day and he was unable to contact the landlord. He decided to kick out the doors in the middle of the night causing a lot of noise. The doors were replaced but the old ones has been left lying outside on the shared area of the house. I decided to move it behind the house. The doors haven't been uplifted till today.

We were contacting the landlords trying to explain the situation but all the complains were ignored. One day Mr was so drunk he decided to drive his car to the shop (probably for more alcohol). While he drove back and he was trying to park his car he knocked my company van. My wife noticed the situation via window so I went out to check the van and I have been attacked and abused by him. I decided to call the police then. He was arrested and the court case was open. All the problems together caused to move him out finally.

Except the example of Mr , there is more problems we experienced since we moved in our flat.

The rubbish bins are almost never wheeled out for getting emptied and because of it are often overflowing and spreading rubbish around and onto the path. Seagulls and the wind are just making it worse spreading the rubbish just everywhere around the house and the street sometimes. At some point in the past the tenants decided to keep the rubbish inside the flat causing very terrible smell. It is sorted now, but the problem with the overflowing bins still persist so I usually do it myself.

Another smelly problem is with cigarettes. There is a smell of the cigarettes coming quite often into our kitchen and the top floor bedroom. There is a lot of cigarette ends spreaded around

the house - especially on the back of it. I try to clean it up at least on the front of the house, but except of me it look like no one is cleaning it.

The knocking pipes was the another problem. We were trying to convince the landlords to fix the issue and after more then a half a year from the first contact and after many calls and reminders it was finally done. But it shouldn't take so long because it was so noisy and annoying especially during the night. The plumber who finally fixed the knocking pipes had to discover and fix some other leak in the bathroom which was causing another smelly problem for us and which we were unable to locate by our self. Finally after the months of searches of the cause of the smell it was gone and stopped invading our bathroom shortly after the knocking pipes were fixed.

The acoustic insulation of the flat downstairs is very poor, so you can hear everything from the downstairs like TV, radio and all the conversations, but the sound of the slamming doors caused by the improper door closers adjustment is the worst. The doors should close gently and smoothly but the door closers are set improperly causing the doors slamming each time the doors are closing and making irritating noise too. I know it from my work experience as I work as I joiner and I do adjust the door closers myself. I asked the landlords to fix the issue and adjust the door closers but nothing was done.

There was a gas leak caused by the oWen which was very dangerous as it could have cause an explosion or fire. The landlords should have had this sorted out but it wasn't fixed for over two weeks. During the time the tenants were using the oWen everyday without considering the risk and without contacting the landlords and letting them know about the issue. The people from cleaning services who clean the flat once a week were not checking and reporting the issues to the landlords - or the reports were ignored by landlords. The smell became so intensive one day I decided I have to deal with the problem myself. My calls to the landlord and the gas company made the happy end of the story and the leak of the gas was stopped finally, but for two weeks we were living on a gas bomb which could explode or cause the fire at any moment. It shouldn't be like that.

Kincorth is a nice peacefull area with a lot of gardens around the buildings but the one at the front of our one and belonging to the landlords is the unpleasant exception. There were some flowers there in the past, but at the moment it looks like it is dead and only some stumps with the company of rubbish spreaded from the owerflown bins has left. Unfortunately no one is taking care of it and it look like there is no hope it will change in future.

We like to keep our property and the gardens clean and tidy. We need and would like to feel safe in our own properties.

We and our neighbors feel that if Dr Mijares and Mrs Virginia Siles want to continue to be the landlords they have to pay at least a little bit attention to what is happening in the property and who they choose to rent the room for. Weekly or monthly checks should be done.

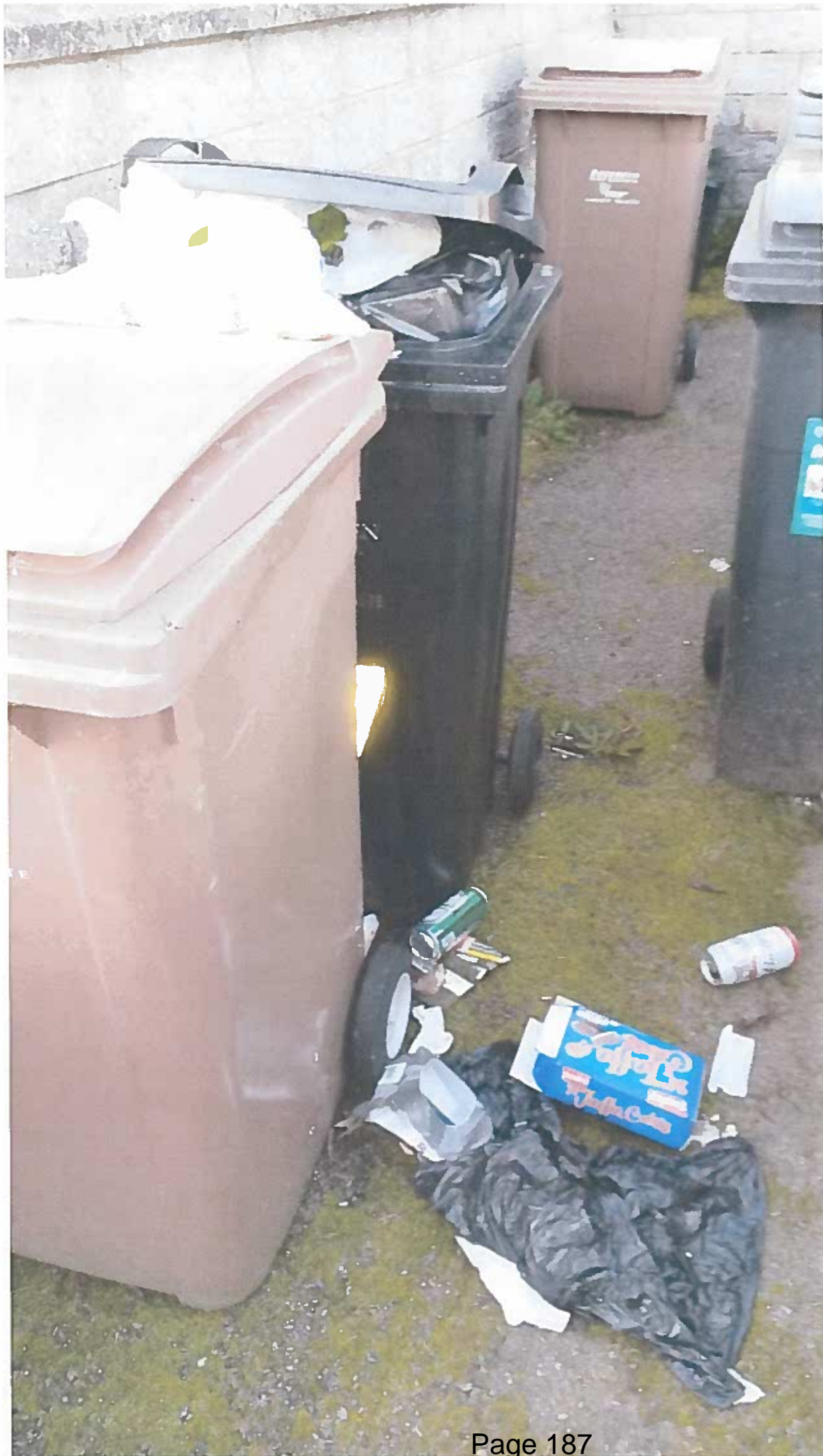
If you require any back up letters from our neighbors that can be arranged.

We are enclosing to the letter some photos of the mess around the house caused by the overflown bins. We can't understand why the landlords are not interested about the problem and they didn't sort it out.

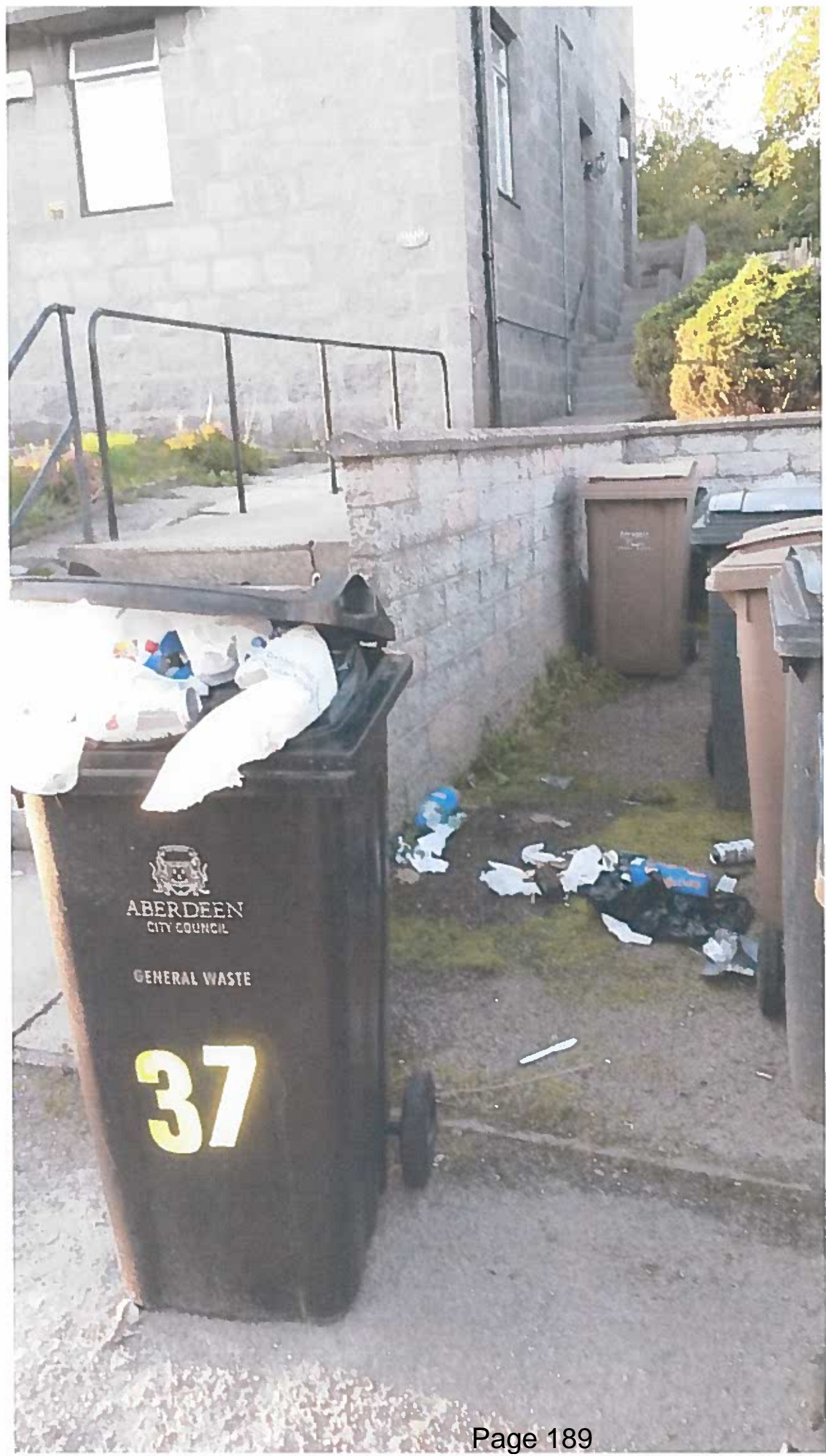
I trust our concerns will be taken into consideration, before an HMO license is granted for 37 Corthan Crescent, Aberdeen.

*Yours faithfully
Mrs & Mr Wilczak*

Enclosures:



















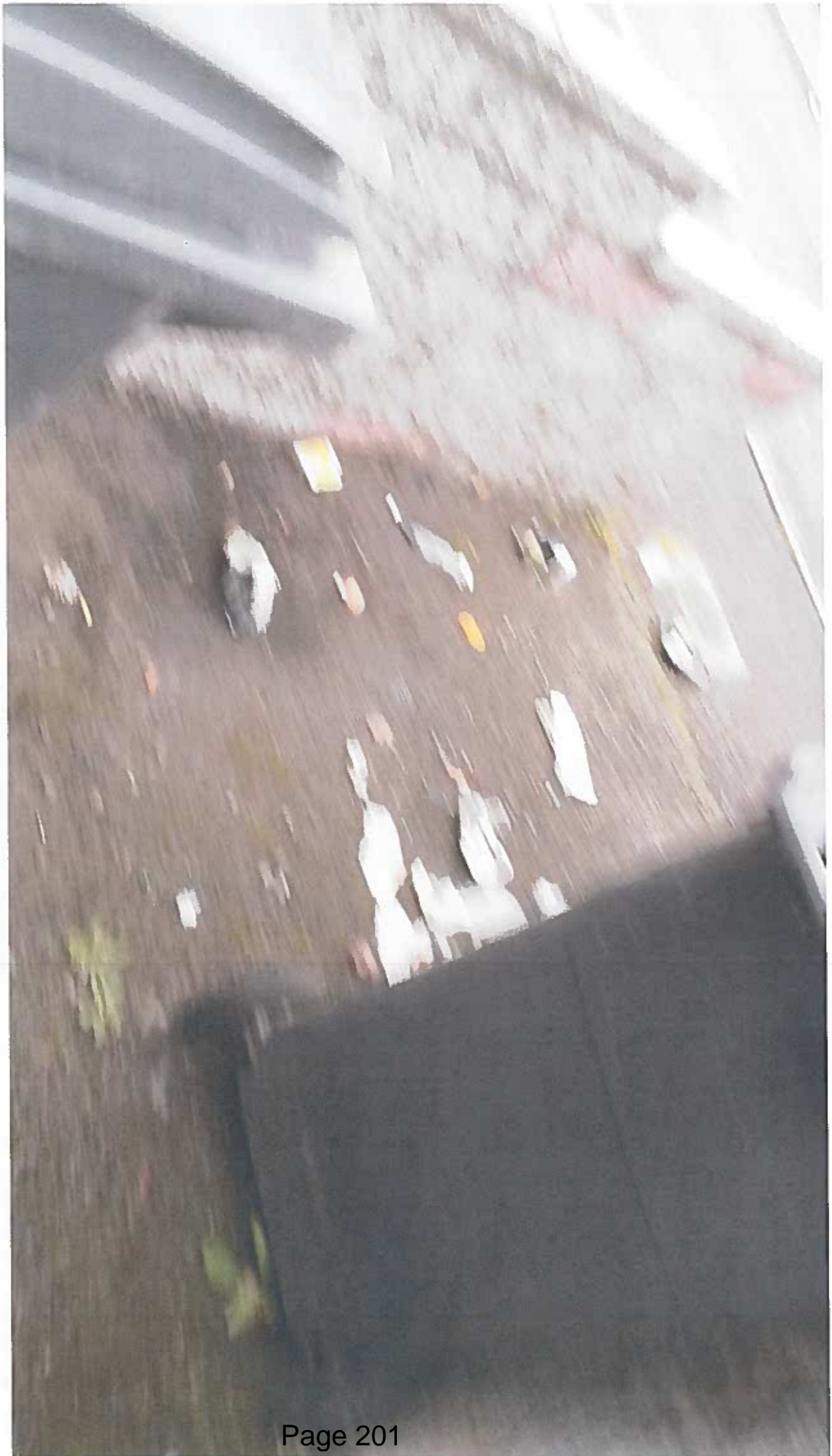




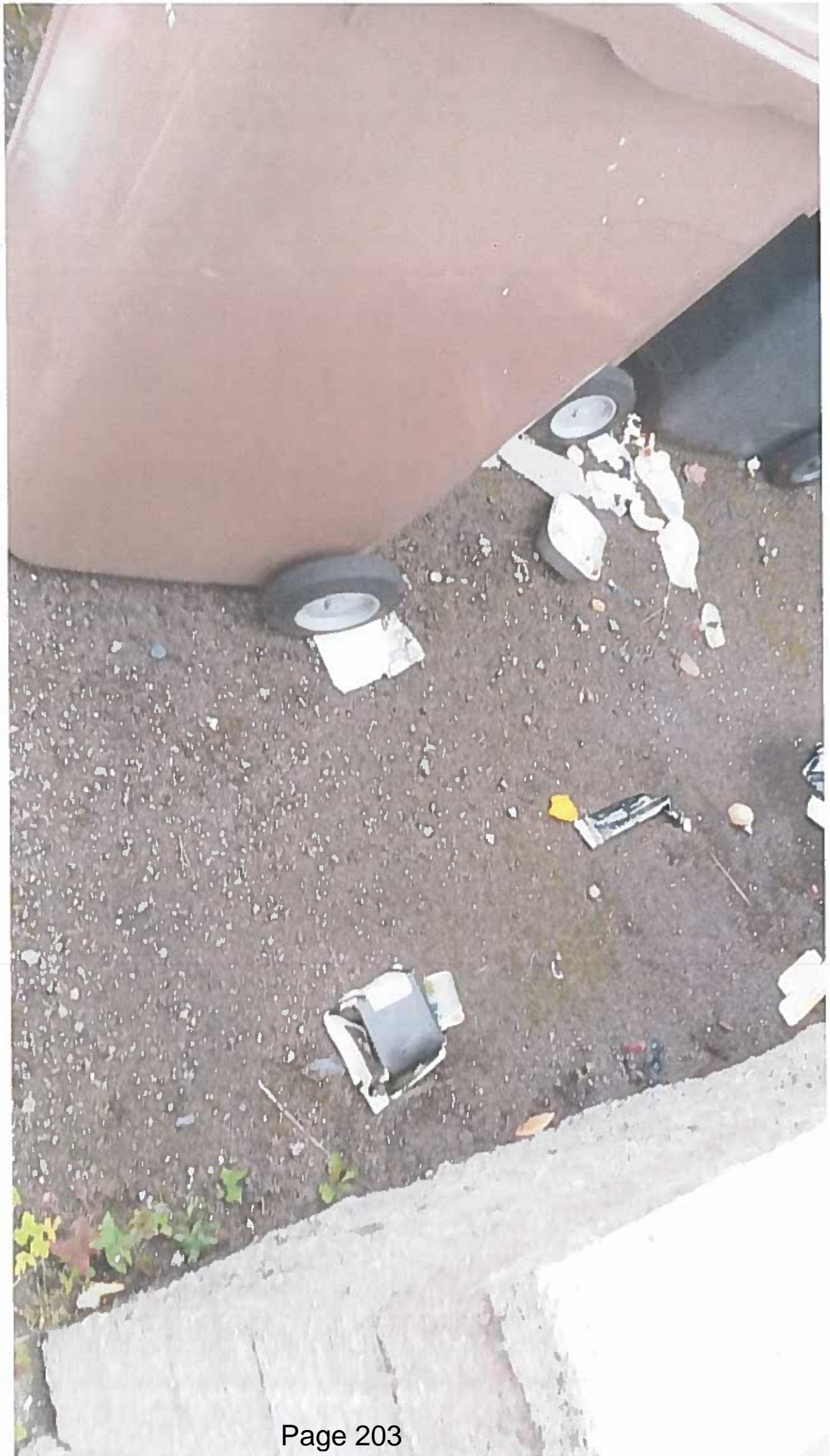


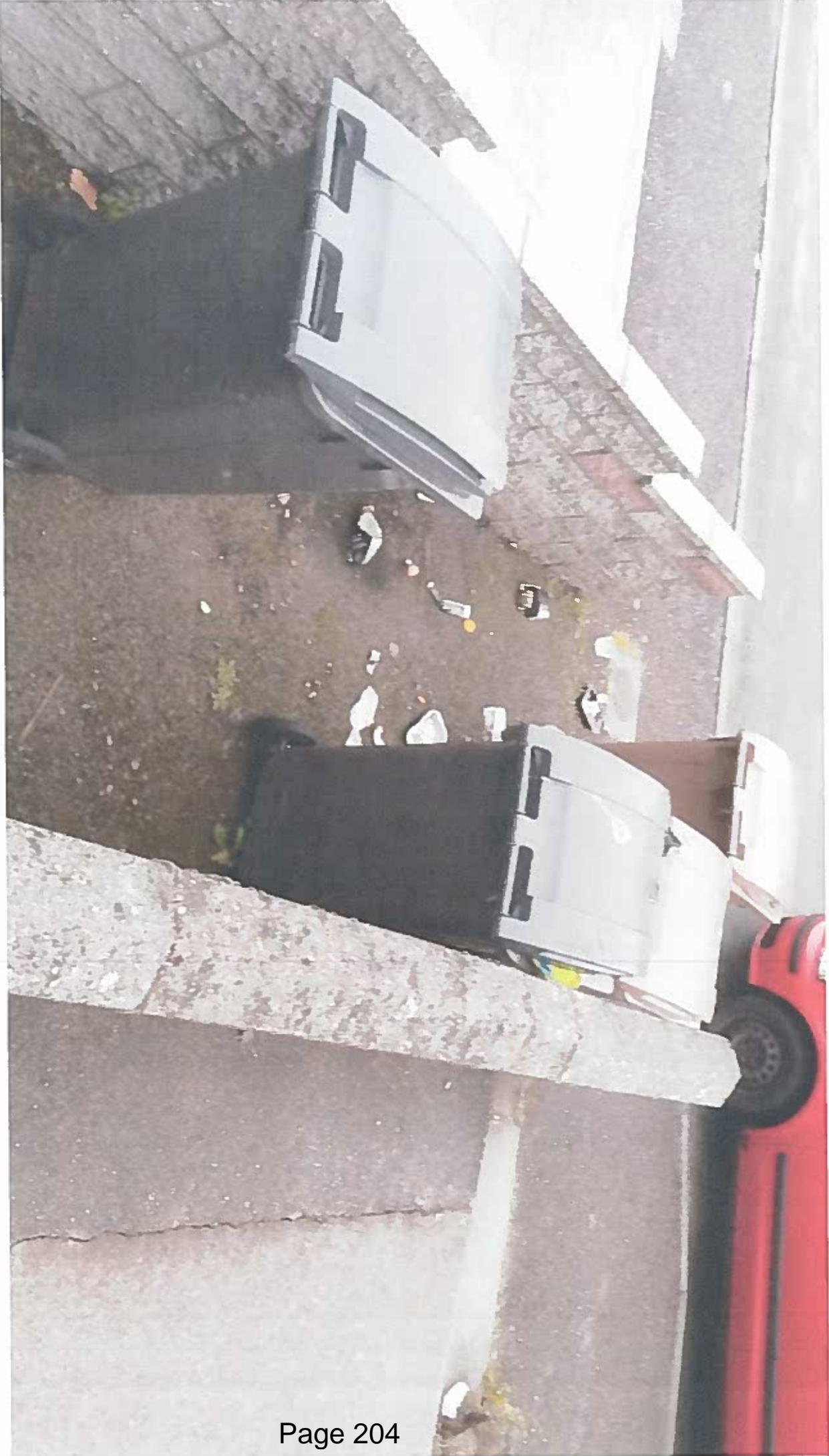


















110

Aberdeen 16th March 2018

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

Dear Mr Thain

Application for License for a House in Multiple Occupation at 37 Corthan Crescent, Aberdeen.

I refer to your letter in relation to the above application. I would like to confirm that I am planning to attend the meeting scheduled on 17th April 2018 at 2:00 PM in order to address the councillors and their potential questions in relation to the application.

I would like also to take the opportunity and address the concerns raised by my neighbour, Mr Powel Wilczak in his letter which you have kindly shared with me.

Firstly, I would like to clarify that I completely understand Mr Wilczak's concerns. Since he bought his property back in 2015, we have been doing our best to listen to his numerous calls and fairly frequent complaints about a wide range of issues which he feels he needs to report to us. I have to recognise that unfortunately we have not always been able to answer his requests not due to lack of attention to him, but quite frequently because his concerns were subjective and difficult to sustain on grounds of factual detriment to his rights and interests. To illustrate the point, I would like to comment a couple of instances (just two amongst many) when we received several calls and complaints from Mr Wilczak about one of our tenants whom he considered "antisocial" because the gentleman used to leave home in the mornings covering his head using the hood of his jacket. In another instance, Mr Wilczak suggested that we shall ask another tenant to leave because they did not greet him with "good morning" or "good evening" when they met each other in their way out or back home.

It is also worth mentioning that we have continued patiently and diligently dealing with Mr Wilczak's concerns despite his numerous comments about his unhappiness with just the fact of having a HMO underneath his flat. He has said several times that he was doing and was prepared to do all in his

|||c|||

hands to make us lose our HMO license. We have always done our best to fulfil legislation requirement and keep a peaceful relationship with our neighbours, but his threats have been rather unkind to us. We are not doing anything illegal or in any way different to what legislation and local policies say and actually, we believe that we have been taking actions over and above what would be considered reasonable limits by other landlords just trying to keep him happy.

Secondly, I would like to proceed and address the points that Mr Wilczak has raised in his letter.

- In relation to his first point about a tenant that we had in the property. As soon as Mr Wilczak told us that he had a discussion with the tenant, we contacted other tenants that we knew were reliable people who confirmed that our tenant was frequently under the influence of alcohol and was unkind to Mr Wilczak during the episode about his car. For us, the good long-lasting relationship with our neighbour is far more important than having a room tenanted. Therefore, using our legal rights as landlords and despite knowing that it is difficult to rent a room now in Aberdeen due to the oil crisis, we decided to have a room empty for a period of time rather than having someone unkind and likely to cause conflicts. We served eviction notice to the individual who finally agreed to leave within a short period of time after some financial compensation from us in exchange of a quick relocation.
- In relation to the rubbish, this is a matter that is a constant source of complaints from Mr Wilczak, including instances where the wheelie bin has been a few inches away from where he thinks it should be left during the day of collection. We recognise that one time after a tenant moved out the property, an amount above what would be normal was left in the black bin and because the lid did not close, the seagulls opened the bag on the top and some rubbish was spread around the bin. We sorted this issue within a short period of time and the excessive rubbish was taken to the recycle point.
It is worth noticing (and this has been confirmed by Mr Wilczak in his letter) that in this property we pay cleaners to go every week and ensure that not only the inside is clean and tidy, but also the outside. Our cleaners ensure, if the rubbish is not appropriately disposed of, to sort the issue quickly and efficiently. We have requested an additional bin to the Council's Waste and Recycling team, but it is a council's policy that only one bin per households up to four people is allowed.
We have strict rules forbidding tenants about leaving excessive amounts of rubbish not appropriately allocated to the right bin. They receive weekly reminders to put the wheelie bin outside for picking-up and a rota system to take care of it.
- In relation to cigarette ends, we have installed a wall mounted outdoor ashtray and instructed our cleaners to take care of it by emptying it regularly.
- About the "knocking pipe", it is unfortunate that Mr Wilczak says that it took "half a year" for us to get the issue sorted. We initially received his complaint via SMS on 29th August 2017. Our plumber visited the property on 4th September 2017 and had a chat with Mr Wilczak to try to understand what exactly the problem was. Our plumber felt that the issue was not urgent and therefore property's stopcock was finally replaced by our plumber on 27th September 2017 (less than a month after we were initially notified). This resolved the issue.
- We are frequently inspecting the property and ensuring that the doors shutters work properly and smoothly. I believe that this has been confirmed by the HMO officer during the inspection.
- We had an instance where Mr Wilczak phoned us on a Saturday morning telling us that he was smelling gas. We asked our tenants and none of them were in the property. We called the emergency services and went to the property immediately. The emergency services arrived an hour later and detected a leak in the gas oven. On Monday morning, our plumber

C

decommissioned the appliance safely and on Monday afternoon our electrician replaced the oven and cooker with electric appliances. This demonstrates that we take risks seriously and we decided to eliminate it altogether replacing gas appliances with electric ones despite the increase in cost.

- We have never had flowers in our garden and we have a gardener who goes frequently, particularly in the summer, and takes care of the garden and plants.

It is worth noticing that when we first applied for this HMO license three years ago, three letters of complaints were received from neighbours at Corthan Crescent. They were mostly concerned about the negative reputation that a House in Multiple Occupation has and their fears about how it could negatively affect the street. They have not raised any concerns three years down the line whatsoever which indirectly confirms that other members of the community have not noticed their neighbourhood negatively affected by this property and its license.

I hope that this reply is taken in to consideration when assessing this application by the Housing department and also by the honourable councillors.

Yours sincerely

Dr Alex Mijares

LICENSING COMMITTEE INFORMATION SHEET 17 APRIL 2018

TYPE OF APPLICATION: APPLICATION FOR GRANT OF A STREET TRADER'S
LICENCE (EMPLOYER)

APPLICANT: C & L CATERING PARTNERSHIP

PREMISES: N/A

DESCRIPTION

- The application requires to be determined by 21 May 2018

CONSULTEES

- Roads
- Police Scotland
- Environmental Health

OBJECTIONS/REPRESENTATIONS

- Environmental Health – There is no certificate of compliance in respect of food hygiene.

COMMITTEE GUIDELINES/POLICY

N/A

GROUNDS FOR REFUSAL

Members should note the terms of Section 39 of the Civic Government (S) Act 1982 which states that the committee must refuse the application unless there is produced to them a certificate by the food authority (for the purposes of section 5 of the Food Safety Act 1990) stating that the vehicle, kiosk or moveable stall complies with the requirements of any relevant regulations made under that Act.

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LICENSING COMMITTEE INFORMATION SHEET 17 APRIL 2018

TYPE OF APPLICATION: APPLICATION FOR GRANT OF A STREET TRADER'S
LICENCE (EMPLOYER)
APPLICANT: ELAINE ELRICK
PREMISES: N/A

DESCRIPTION

- The application requires to be determined by 1 May 2018

CONSULTEES

- Roads
- Police Scotland
- Environmental Health

OBJECTIONS/REPRESENTATIONS

- Environmental Health – There is no certificate of compliance in respect of food hygiene.

COMMITTEE GUIDELINES/POLICY

N/A

GROUNDS FOR REFUSAL

Members should note the terms of Section 39 of the Civic Government (S) Act 1982 which states that the committee must refuse the application unless there is produced to them a certificate by the food authority (for the purposes of section 5 of the Food Safety Act 1990) stating that the vehicle, kiosk or moveable stall complies with the requirements of any relevant regulations made under that Act.

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LICENSING COMMITTEE INFORMATION SHEET 6 FEBRUARY 2018

TYPE OF APPLICATION: APPLICATION FOR VARIATION OF A STREET TRADER'S LICENCE (EMPLOYER)

APPLICANT: Elaine Sullivan

Site: Loirston Loch, Layby, Wellington Road West

DESCRIPTION

- The application requires to be determined by 14 July 2018

CONSULTEES

- Police Scotland
- Environmental Health
- Roads

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- Roads
- 2 x Public Objections

COMMITTEE GUIDELINES/POLICY

N/A

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.

28 February 2018

Our Ref: 303501

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



Iain Livingstone QPM
Deputy Chief Constable Designate

North East Division
Queen Street
Aberdeen
AB10 1ZA

Dear Sir/Madam,

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982
APPLICATION FOR GRANT OF A VARIATION OF LICENCE
APPLICANT: ELAINE MARGARET SULLIVAN, 20/09/1958
24 ASH PLACE, PORTLETHEN, ABERDEEN, AB12 4XJ**

I refer to the above application for the grant of a variation of Street Trader's Licence and intimate that, in terms of Section 3(1) of Schedule I of the Civic Government (Scotland) Act 1982, I make the following representation in relation to the application.

The applicant has requested a variation to the location of her hot food snack van such that she seeks to trade from a lay-by on Wellington Road, Aberdeen, adjacent to the Loch of Loirston. I am of the opinion, with regards to public safety, that this lay-by is an unsuitable location for this type of activity and thus unsafe for the provision of hot food for the following reasons:

1. The lay-by is intended for the purposes of a dual carriageway trunk road with a speed restriction of 40mph;
2. The lay-by is designed in such a way that the width only affords an average sized motor vehicle enough room to stop and open the door without protruding onto lane one of the carriageway;
3. The lay-by has no physical barrier separating the lay-by and lane one of the carriageway;
4. I am also of the opinion that to allow the safe exit of a motor vehicle from this lay-by into a 40mph carriageway it is necessary to have a suitable length of clear road ahead to build up to an appropriate and safe speed before entering lane one or in the very least any approaching vehicle should have a clear view of any vehicles waiting to emerge. A hot food

trader is likely to attract a higher than normal number of vehicles parking within the lay-by and as such, by way of obstruction, may cause motorists to take unnecessary risks when exiting the lay-by;

5. The lay-by is frequently used as a pick-up point for abnormal loads to be escorted along the carriageway and through the city. This is facilitated by the length of the space provided (approximately 180 meters) As such ,a permanent obstruction of the lay-by may cause logistical issues for companies trading within and outwith Aberdeen, as well as issues for partner agencies facilitating the movement of abnormal loads.

I have attached a photograph of the proposed site for your reference on Appendix 1 to this letter.

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

Yours faithfully

Iain Livingstone QPM
Deputy Chief Constable Designate

For enquiries please contact the Licensing Department on 01224 306468

Appendix 1



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Aberdeen and District Angling Association



President

Secretary/Treasurer

Fraser Bell,
Head of Legal and Democratic Services
Licensing, Legal Services, Corporate Governance
Aberdeen City Council
Marschal College
Business Hub 6 L1S
Broad Street
Aberdeen
AB10 1AB

18 February 2018

Dear Mr Bell

**Application: Licensing of Street Trader who operate a hot food licence
Elaine Sullivan- Sullys Snacks, Trade: Hot Foods, Location: layby at Loirston
Loch**

The Association wishes to object to the above application.

The Association has been tenants at the loch since the late 1940's in the days when the road passing the loch was a quiet country road unlike it is today.

The loch is open for angling 12 months a year.

Parking in the area for our membership of 900 anglers is extremely limited and already there are serious problems due to the amount of large HGV's using the layby.

The only alternative parking is on the opposite side of a very busy dual carriageway which would create a danger for anglers crossing the roadway to access the loch which is via a gateway immediately off the layby.

The gateway is also the access point for periodic vehicular delivery to the loch of fish for stocking the loch.

The parking problem has been worsened in the past two years since the closure of the former public car park on the west side of the loch at lochinch farm nature visitor



centre which used to provide adequate and safe parking for both anglers and other visitors to the loch area.

Litter at the layby has been an ongoing issue for years due to the amount of food waste thrown away by some users of the layby and there is a significant rat presence which feed on the food waste either thrown away or deposited in the litter bins which are not emptied often enough.

There are also no toilet facilities at this location.

The presence of a food sales van can only worsen the existing problems.

Also, the drainage at this layby runs into a soak away with runs directly into the loch and any waste water, or oil from a hot food van could possibly end up in Loirston Loch.

Yours sincerely,

Paul Toseland
Secretary/ Treasurer
Aberdeen and District Angling Association

CC

Paul Toseland, local representative for the

N I G G C O M M U N I T Y C O U N C I L

A B E R D E E N

Attn. Mr. Fraser Bell
Head of Legal and Democratic Services,
Aberdeen City Council,
Marischal College,
Business Hub 6 L 1S
Broad Street,
Aberdeen.
AB10 1AB

18th February 2018

Subject :- **“Application”**, for Street Trader Elaine Sullivan – (`Sullys Snacks`) to Trade Hot Foods at Lay-by at Loiriston Loch, Wellington Road, Nigg, Aberdeen.

Dear Mr Bell,

Nigg Community Council wish to object to the above application.

Our objections are based on the following points of safety :-

There is very **limited parking** within this area, where the subject lay-by, is in constant use (both day and overnight), by HGV's as a rest area prior to entering the city.

It is envisaged, that the imminent completion of the AWPR is likely to see an increase in the **volume of traffic** using Wellington Road to enter the city which in turn, increases the **possibility of accidents**.

If there are any HGV's parked in the lay-by, any smaller vehicles who wish to stop, would find it difficult to enter or exit the lay-by safely, due to very **restricted visibility**.

In view of the above, we respectfully request that on the grounds of safety, the above application should be **refused**.

Yours faithfully,

Alan Strachan (chair)
for and on behalf of “Nigg Community Council”

Invited 23/2/2018

Please reply to -

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Arlene Dunbar

Sent: 22 March 2018 16:05
To: LicensingCommittee
Subject: RE: LH Hot Food Variation - Sullys Snacks

Hello,

I have been advised that due to a major development that will commence on this section of road within the next year that access to this lay-by should not be permitted. Lane closures will be required during the construction of the access to the site which will impact the lay by.

The works are to be carried out for Muir Homes.

Kind regards,

Vycki

Vycki Ritson
Team Leader
Traffic Management and Road Safety
Tel. 522704

From: LicensingCommittee
Sent: 22 March 2018 14:50
To: Vycki Ritson
Subject: LH Hot Food Variation - Sullys Snacks

Hi,

Please see attached for response.

Regards
Renata Bauziene

Litigation & Licensing | Legal & Democratic Services | Corporate Governance | Aberdeen City Council | Business Hub 6 | Level 1 South | Marischal College | Broad Street | Aberdeen | AB10 1AB | Tel 01224 522103 rbauziene@aberdeencity.gov.uk



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LICENSING COMMITTEE INFORMATION SHEET 17 APRIL 2018

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

APPLICANT: CHAS

PREMISES: N/A

DESCRIPTION

- The application is for a Public Charitable Collection 17 June 2018 at Hazlehead Park during the Highland Games.

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

17 April 2018

TYPE OF APPLICATION: Private Hire Car Driver Licence- GRANT

APPLICANT: PAUL BRUCE

LICENCE: N/A

INFORMATION NOTE

Application submitted 25/10/2018
Must be determined by 24/04/2018

The applicant has not passed the street knowledge test as required by Licensing committee policy.

He was booked in for the test on 08/01/2018 and failed. He has not re-booked.

The applicant has not provided evidence of his right to work or live in the UK.

DESCRIPTION

Grant of Private Hire Car Driver Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

All applicants for a Private Hire Car Driver licence must pass street knowledge test

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 17 APRIL 2018

TYPE OF APPLICATION: Private Hire Car Driver Licence- RENEWAL
APPLICANT: RONALD FORBES **LICENCE:** PHD256

INFORMATION NOTE

Application submitted 08/11/2017
Must be determined by 07/05/2018

The applicant has not passed the street knowledge test as required by Licensing committee policy.

DESCRIPTION

Renewal of Private Hire Car Driver Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

All applicants for a Private Hire Car Driver licence must pass street knowledge test

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 INFORMATION SHEET

17 April 2018

TYPE OF APPLICATION: Private Hire Car Driver Licence- RENEWAL

APPLICANT: RAJNEESH RATTAN

LICENCE: PH252

INFORMATION NOTE

Application submitted 13/11/2017
 Must be determined by 12/05/2018

The applicant has not passed the street knowledge test as required by Licensing committee policy. He has sat and failed the test on 2 occasions. He has not re-booked.

The applicant has not provided evidence of his right to work or live in the UK.

DESCRIPTION

Renewal Private Hire Car Driver Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

All applicants for a Private Hire Car Driver licence must pass street knowledge test

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

17 April 2018

TYPE OF APPLICATION: Private Hire Car Driver Licence- RENEWAL

APPLICANT: SHAISTA MIAH **LICENCE:** PHD273

INFORMATION NOTE

Application submitted 14/11/2017
Must be determined by 13/05/2018

The applicant has not passed the street knowledge test as required by Licensing committee policy. He has not re-booked any tests.

The applicant has not provided evidence of his right to work or live in the UK.

DESCRIPTION

Renewal Private Hire Car Driver Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

All applicants for a Private Hire Car Driver licence must pass street knowledge test

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

17 APRIL 2018

TYPE OF APPLICATION: Private Hire Car Driver Licence- RENEWAL

APPLICANT: TULA MIAH

LICENCE: PHD272

INFORMATION NOTE

Application submitted 20/10/2017
Must be determined by 19/04/2018

The applicant has not passed the street knowledge test as required by Licensing committee policy.

He was booked in for the test on 29/01/ 2018, 19/02/2018 and 05/0/32018 and failed on all three occasions. Three attempts is the maximum amount of attempts permitted per applicant.

DESCRIPTION

Renewal of Private Hire Car Driver Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

All applicants for a Private Hire Car Driver licence must pass street knowledge test

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;

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(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

17 April 2018

TYPE OF APPLICATION: Private Hire Car Driver Licence- RENEWAL

APPLICANT: JAKUB BRZAKALSKI **LICENCE:** PHD250

INFORMATION NOTE

Application submitted 01/11/2017
 Must be determined by 30/04/2018

The applicant has not passed the street knowledge test as required by Licensing committee policy.

The applicant had tests booked on 26/02/2018 and 02/04/2018 and he failed to attend.

He attended on 19/03/2018 and failed.

DESCRIPTION

Renewal Private Hire Car Driver Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

All applicants for a Private Hire Car Driver licence must pass street knowledge test

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

17 April 2018

TYPE OF APPLICATION: Taxi Driver Licence- RENEWAL

APPLICANT: GARY EWING **LICENCE:** 1336

INFORMATION NOTE

Application submitted 28/11/2017
Must be determined by 27/05/2018

The applicant has not provided evidence of his right to work or live in the UK.

DESCRIPTION

Renewal Private Hire Car Driver Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

All applicants must provide evidence of their right to work or live in the UK.

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

17 April 2018

TYPE OF APPLICATION: Taxi Driver Licence- RENEWAL

APPLICANT: THOMAS FRISKEN **LICENCE:** 1717

INFORMATION NOTE

Application submitted 22/11/2017
Must be determined by 21/05/2018

The applicant has not provided evidence of his right to work or live in the UK.

DESCRIPTION

Renewal Private Hire Car Driver Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

All applicants must provide evidence of their right to work or live in the UK.

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

17 April 2018

TYPE OF APPLICATION: Taxi Driver Licence- RENEWAL

APPLICANT: JOEL JEMINE **LICENCE:** 1470

INFORMATION NOTE

Application submitted 30/11/2017
 Must be determined by 31/05/2018

The applicant has not provided evidence of his right to work or live in the UK.

DESCRIPTION

Renewal Taxi Driver Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

All applicants must provide evidence of their right to work or live in the UK.

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;

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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

17 April 2018

TYPE OF APPLICATION: Taxi Driver Licence- RENEWAL

APPLICANT: PAUL ROBBIE **LICENCE:** 0680

INFORMATION NOTE

Application submitted 30/11/2017
Must be determined by 29/05/2018

The applicant has not provided evidence of his right to work or live in the UK.

DESCRIPTION

Renewal Taxi Driver Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

All applicants must provide evidence of their right to work or live in the UK.

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;

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(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

17 April 2018

TYPE OF APPLICATION: Taxi Driver Licence- RENEWAL

APPLICANT: STEPHEN WHITE **LICENCE:** 1466

INFORMATION NOTE

Application submitted 30/11/2017
Must be determined by 29/05/2018

The applicant has not provided evidence of his right to work or live in the UK.

DESCRIPTION

Renewal Taxi Driver Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

All applicants must provide evidence of their right to work or live in the UK.

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—

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

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(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

17 APRIL 2018

TYPE OF APPLICATION: Taxi Operator Licence- RENEWAL

APPLICANT: DAVID KNOWLES **LICENCE:** T085 – NB08 NHK

INFORMATION NOTE

Application submitted 30/11/2017
 Must be determined by 29/05/2018

The applicant has not provided evidence that the vehicle has been inspected and tested as required.

DESCRIPTION

Renewal of Taxi Operator Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

COMMITTEE GUIDELINES/POLICY

Policy & Taxi Licence Condition 5- Vehicle must pass 2 Hackney tests per 12 month period, one of which must coincide with the licence renewal (to ensure the vehicle is fit before 12 month licence granted).

GROUNDS FOR REFUSAL

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

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

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(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

17 APRIL 2018

TYPE OF APPLICATION: Taxi Operator Licence- RENEWAL

APPLICANT: OMER KUS

LICENCE: GJ15 MUO

INFORMATION NOTE

Application submitted 02/11/2018
 Must be determined by 01/05/2018

The applicant has not provided evidence that the vehicle has been inspected and tested as required.

DESCRIPTION

Renewal of Taxi Operator Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

COMMITTEE GUIDELINES/POLICY

Policy & Taxi Licence Condition 5- Vehicle must pass 2 Hackney tests per 12 month period, one of which must coincide with the licence renewal (to ensure the vehicle is fit before 12 month licence granted).

GROUNDS FOR REFUSAL

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(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

17 APRIL 2018

TYPE OF APPLICATION: Taxi Operator Licence- RENEWAL

APPLICANT: MONCEF MESKINI **LICENCE:** A009 SF12 LKD

INFORMATION NOTE

Application submitted 27/11/2017
Must be determined by 26/05/2018

The applicant has not provided evidence that the vehicle has been inspected and tested as required.

DESCRIPTION

Renewal of Taxi Operator Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

COMMITTEE GUIDELINES/POLICY

Policy & Taxi Licence Condition 5- Vehicle must pass 2 Hackney tests per 12 month period, one of which must coincide with the licence renewal (to ensure the vehicle is fit before 12 month licence granted).

GROUNDS FOR REFUSAL

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(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

17 APRIL 2018

TYPE OF APPLICATION: Taxi Operator Licence- RENEWAL

APPLICANT: RAINBOW CITY CARS LTD **LICENCE:** T574 SF65 BUV

INFORMATION NOTE

Application submitted 23/11/2017
Must be determined by 22/05/2018

The applicant has not provided evidence that the vehicle has been inspected and tested as required.

DESCRIPTION

Renewal of Taxi Operator Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

COMMITTEE GUIDELINES/POLICY

Policy & Taxi Licence Condition 5- Vehicle must pass 2 Hackney tests per 12 month period, one of which must coincide with the licence renewal (to ensure the vehicle is fit before 12 month licence granted).

GROUNDS FOR REFUSAL

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(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,

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(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

17 APRIL 2018

TYPE OF APPLICATION: Taxi Operator Licence- RENEWAL

APPLICANT: PHILIP RITCHIE **LICENCE:** T028 YY06 XRP

INFORMATION NOTE

Application submitted 18/10/2017
Must be determined by 17/04/2018

The applicant has not provided evidence that the vehicle has been inspected and tested as required.

DESCRIPTION

Renewal of Taxi Operator Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

COMMITTEE GUIDELINES/POLICY

Policy & Taxi Licence Condition 5- Vehicle must pass 2 Hackney tests per 12 month period, one of which must coincide with the licence renewal (to ensure the vehicle is fit before 12 month licence granted).

GROUNDS FOR REFUSAL

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(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

17 APRIL 2018

TYPE OF APPLICATION: Private Hire Car Licence- RENEWAL

APPLICANT: MICHAEL CHEYNE **LICENCE:** PH228 MX63 AGZ

INFORMATION NOTE

Application submitted 23/11/2018
 Must be determined by 22/05/2018

The applicant has not provided evidence that the vehicle has been inspected and tested as required.

DESCRIPTION

Renewal of Private Hire Car Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

COMMITTEE GUIDELINES/POLICY

Policy & Taxi Licence Condition 5- Vehicle must pass 2 Hackney tests per 12 month period, one of which must coincide with the licence renewal (to ensure the vehicle is fit before 12 month licence 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,

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(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

COMMITTEE	Licensing Committee
DATE	17 April 2018
REPORT TITLE	Taxi Fare Review
REPORT NUMBER	GOV/18/001
DIRECTOR	Fraser Bell
REPORT AUTHOR	Karen Gatherum
TERMS OF REFERENCE	No 3

1. PURPOSE OF REPORT

1.1 To provide the Committee with information that will allow it to reach an informed decision to any changes to be made to the current taxi fare tariff and comply with its duty to review taxi fares under section 17 of the Civic Government (Scotland) Act 1982

2. RECOMMENDATION(S)

That the Committee

- 2.1 approves for consultation the fare review options set out at section 4 of the report and instructs the Chief Officer of Governance to conduct a consultation as outlined in section 5 below on the same; and
- 2.2 instructs the Chief Officer Governance to submit a report to the Licensing Committee on 5 June 2018 on the outcome of the fare review proposal consultation and seeking a final decision on the future fee levels to be adopted from 26 June 2018.

3. BACKGROUND

3.1 Legal Requirement

3.1.1 In terms of Section 17 of the Civic Government (Scotland) Act 1982 ("The Act") the Council, as the licensing authority for taxis is obliged to review and fix the scale of fares and surcharges so that they take effect within 18 months beginning with the date on which the previous scales came into effect. The Local Authority last reviewed fares in December 2016 and the tariff and surcharges took effect on 23 January 2017. Therefore the review must be completed and the scales fixed no later than 23 July 2018.

3.1.2 When reviewing fares and surcharges, the licensing authority may alter them or fix fares and other charges at the same rates. In carrying out the review, the

licensing authority must consult with persons or organisations appearing to them to be, or to be representative of, the operators of taxis operating within their area.

3.1.3 Following the consultation the Committee must agree a proposal in relation to fares and surcharges. This is what is proposed in terms of this report. Thereafter, the licensing authority must publish those proposed scales in a newspaper circulating in its area setting out the proposed scales, explaining the effect of the proposed scales, proposing a date on which the proposed scales are to come into effect, and allowing a period of at least one month for written representations on the proposals. A further report is then brought before the Committee who consider any representations to the proposals before setting the tariff and the date from which it is to take effect.

3.1.4 Operators of taxis or any person or organisation appearing to the Traffic Commissioner to be a representative of such taxi operators can appeal against any decision the Local Authority makes in respect of fares and surcharges. Any appeal is made to the Traffic Commissioner for the Scottish Traffic Area. An appeal to the Traffic Commissioner may be made within 14 days of notice being given by the licensing authority to taxi operators and representative taxi organisations of the agreed fare scales

3.2 Matters to Be Taken Into Account When Undertaking a Fare Review.

3.2.1 The Scottish Government's Taxi and Private Hire Car Licensing: Best Practice for Licensing Authorities issued April 2012 states that authorities are advised as best practice to pay particular regard to advice contained in paragraphs 2.34-2.37 of Scottish Development Department Circular 25/1986. It states that, "in fixing fares, authorities will want to pay primary regard to the costs incurred by the trade, having regard to the capital costs (including interest payments) of the vehicles, the costs of maintaining and replacing them to a standard of the licensing authority, of employing drivers and the prevalent level of wages and costs in related road transport industries. The public interest is best served by ensuring the maintenance of an adequate taxi service by giving the trade a fair return rather than depressing fares for social reasons, however understandable."

3.3 Taxi Fare Formula

3.3.1 A change index is used to calculate the percentage change in costs since the fares were last reviewed. The index used is the outcome of advice received in April 2013 by the Committee from consultants engaged for that purpose and is based on two component parts: operating costs and average earnings.

Change Index+ Change Costs + Change Earnings.

3.3.2 The formula assumes an average annual mileage of 25,786 miles, which is the figure, arrived at after sampling 10% of the fleet. It also assumes a vehicle life of five years. At present, the fleet comprises 52 % saloon cars and 48% wheelchair accessible vehicles. The vehicle cost is based on the weighted average costs of a typical saloon car (Toyota Avensis) and a typical accessible vehicle (Peugeot Partner Premier). Prices are based on the basic diesel model for each. To calculate the annual cost, it is assumed that each have a lifecycle of five years. Parts, tyres, labour and fuel costs are obtained from the annual table of running costs for diesel

vehicles from the AA (most up to date being 2014). Discussions are required to nominate a more up to date source of information for future fare reviews. The figures for earnings are obtained from the Office of national Statistics (ONS), Annual Survey of Hours and Earnings (ASHE) and use the UK annual mean earnings for full time employees.

3.4 Index Cost Calculations

3.4.1 The table below shows that using the above formula costs have increased slightly since the last review took place.

Component in Index	Annual Cost 2016	Annual Cost 2018	% Change
Vehicle cost	£3700	3,819	3.22
Tyres	£403	£403	0.00
Garage and servicing- Labour	£579	£552	-4.69
Fuel	£2459	£2630	12.21
Insurance	£931	£1,150	15.23
Miscellaneous	£360	£390	8.43
Total Operating Costs	£9,156	£9,552	5.86
Average National Earnings	£33,689	£35,423	5.15
National Insurance	£146	£146	0.00
Total Index Costs	£42,991	£45,123	5.09%

3.5 Demand for Taxis

3.5.1 A taxi demand survey was undertaken in 2014 and a report on its findings was before the Committee on 25 November 2014. It found that drivers appeared to have significant scope of when they wished to work and that these choices were impacting on the levels of service available. There was also evidence that the standard of the current fleet is high from which it can be inferred that remuneration, at that time, was sufficiently high enough to enable the trade to sustain this. The survey found that there was significant unmet demand for taxis in Aberdeen that required addressing, particularly that provided from mid-afternoon Friday until through to the early hours Sunday morning and as a result of this the Committee agreed to an additional thirty taxi licences bringing the maximum number of taxi licences to 1079.

3.5.2 The Committee is obliged to review any limit it fixes on taxi licences. The Licensing Committee have instructed that a further survey should be carried out and this survey will be available by August 2018 for this purpose. It is recognised that the downturn in oil and gas activity in the city is likely to have impacted on the operation of the fleet and the demand for taxis as a whole. Presently the number of licensed taxis in the fleet is approximately 929, short of the limit of 1079. In addition the 2018 demand survey will incorporate an overprovision assessment of private hire vehicles and a review of taxi rank provision in the City.

3.6 Tariff and other charges

3.6.1 There are two issues which should be considered; the complexity of the current tariff structure and the level of charges.

3.6.2 The tariff charges operated in Aberdeen are complex and not easy for customers to follow. The tariff charges of some other licensing areas appear to be simpler and more transparent for the customer than that in use in Aberdeen. It would be beneficial to look at a simpler arrangement which would be easier for the customer to understand and would be simple to operate.

3.6.3 The relationship of the tariff structure and the level of individual charges should be considered together if there is to be a change to the tariff structure as they impact on the return to the trade.

3.6.4 It would be beneficial to engage with trade representatives and taximeter providers to explore the ways in which the tariff charges could be restructured without detriment to the trade whilst being simplified for members of the public to understand.

3.6.5 So far as the charges themselves are concerned, implementation of the change index shows that there has been a 5.09% increase in costs since the last review. If the current tariff surcharges are to remain unchanged for this fare review then taking account of the cost data it is recommended that the basic tariff be increased by 5%.

3.6.6 The current tariff is attached as Appendix 1.

4. OPTIONS

4.1 Option A: Agrees to increase the current basic tariff by 5%; (See Appendix 2)

4.2 Option B: Agrees to maintain the basic tariff at its current level; (see Appendix 1)

5. CONSULTATION

5.1 Section 17 of The Act requires the licensing authority, when carrying out a fare review, to first consult with persons or organisations appearing to them to be representative of taxi operators in their area. The members of the Taxi and Private Hire Car Consultation Group were identified as persons who are representative of

operators of taxis in the City and the fare formula was sent to them on 1 March 2018 for discussion at the meeting of the Consultation Group on 13 March 2018.

5.2 At the meeting of the Taxi and Private Hire Car Consultation Group on 13 March 2018, the trade representatives provided an initial view on both options A and B as detailed in this report. They considered that the fare surcharges should stay the same. This reason for this is because if it was agreed to keep the fares the same/status quo or even increase the fares by 5% and the surcharges were to be removed, this would actually result in a fare decrease, which would not be acceptable to the trade. Although the trade appreciated that it was never a good time, in relation to the public, to ask for an increase in the tariff, they were generally happy with the two options proposed. The trade representatives agreed to arrange to meet and further consult their members on whether to back option A or option B or indicated they could propose a higher increase to be considered by the Licensing Committee at their meeting on 17 April 2018.

5.3 Once the Committee has undertaken the Consultation with the Representatives of Taxi Operators in their area, reviewed the scales and agreed on proposed new scales they require to carry out a public consultation on the proposals. Steps will also be taken to consult with current licence holders. Consultation will take place by press advertisement and will commence as soon as practicable following the Committee meeting on 17th April 2018. Responses will be invited to be made by 20 May 2018. 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.

5.4 Following the consultation, it is proposed that a report summarising the responses received would be submitted to the meeting of the Licensing Committee on 5 June 2018. At that time the Committee will be invited to make a final decision on any changes to the fare scales.

5.5 After the last taxi fare review in 2016 the Team Leader of Licensing was instructed by the Committee to undertake a review of the taxi fare formula including surcharges, explore the restructure of tariff charges and explore ways any future increase in airport access charges could be mitigated by the Council. Prior consultation with the Taxi and Private Hire Car Consultation Group and representatives of the taxi trade has already taken place regarding these issues and they are again to be addressed at the meeting of the Consultation Group on 13 March 2018.

5.6 From 1 June 2018, the Airport Authority will operate the taxi rank at the airport and therefore, airport taxis will now be charged the barrier charge the same as all other users. As a result, it is recommended that this is mitigated by the Council by removing the wording (non-airport taxis only) from Surcharge 8;

5.7 As a result of the meeting of the Taxi and Private Hire Car Consultation Group meeting on 13 March 2018. The taxi trade representatives advised that:

5.7.1 The formula requires to be revisited and suggested that the licensing authority look at how more up to date data can be used in the formula, for example the information from the Automobile Association website.

5.7.2 They appreciated that the licensing authority could not achieve this reassessment of the formula in relation to the current fare review but requested this be incorporated in the next review.

5.7.3 the wording of the surcharges on the tariff card should be as follows,

5.7.4 in relation the airport charge that it be changed to read “the current airport barrier charges”, and

5.7.5 that the surcharges for the airport and railway station have “third party charges” written next to them in order to show customers that these reflect charges imposed by a third party on the operation of the taxi and are not additional charges imposed by the driver.

5.8 However some of these matters may/will need to await the final outcome of the Taxi Demand Survey in order to be fully addressed. It is intended that the survey will be available for consideration by August 2018 for this purpose. Any further proposals to amend the fare formula, surcharges, tariff structure, airport charges etc. could then be fully consulted upon and included in the next taxi fare review which requires to be concluded by January 2020.

6. FINANCIAL IMPLICATIONS

6.1 The approval of the recommendations will require:

6.1.1 All licence holders, members of the Taxi and Private Hire Car Consultation Group, the public and the Chief Constable, Police Scotland to be consulted and invited to attend a further meeting of the Licensing Committee;

6.1.2 After fixing the new scales, the licensing authority must give written notice to all taxi licence holders and the persons and organisations consulted during the review, setting out and explaining the effect to the scales fixed, the date they are to come into effect and their rights of appeal to the Traffic Commissioner.

6.1.3 Copies of the new Taxi Tariff Card to be produced and issued to all taxi and private hire licence holders to be displayed in their vehicles, approximately 1,230;

6.1.4 Staff costs of the fare review and meter calibration will be contained within existing approved budgets.

6.1.5 There will therefore, be a financial cost to the Licensing Team, Governance in consultation advertisements, producing and issuing the above documentation. These costs will be met within existing budgets.

7. LEGAL IMPLICATIONS

7.1 In terms of Section 17 of the Civic Government (Scotland) Act 1982 the Council, as the licensing authority for taxis is obliged to review and fix the maximum scale of fares and surcharges so that they take effect within 18 months beginning with the date on which the previous scales came into effect.

7.2 Operators of taxis or any person or organisation appearing to the Traffic Commissioner to be a representative of such taxi operators can appeal against any decision the Local Authority makes in respect of fares and surcharges. Any appeal is made to the Traffic Commissioner for the Scottish Traffic Area.

8. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
Financial	As per paragraph 6 above.	L	
Legal	As per paragraph 7 above	L	
Employee	There is no risk to employees arising from the recommendations of this report	L	
Customer	Implementation of Option A will increase the cost of a taxi/private hire journey for the customer/citizen of Aberdeen	L	
Environment	There is no risk to the environment arising from the recommendations of this report	L	
Technology	There is no risk to technology arising from the recommendations of this report	L	
Reputational	As a licensing authority there would be a reputational risk to the Council if it failed to undertake its legal obligation and not carry out the review.	M	As this report is introducing the review for consultation within the statutory time period any risk is mitigated.

9. OUTCOMES

Design Principles of Target Operating Model	
	Impact of Report
Customer Service Design	The option to increase the basic taxi fare may however impact on the people of Aberdeen by restricting the affordability of a taxi journey to certain members of the public. The option not to increase the basic taxi fare or surcharges will ensure that taxi journeys remain affordable for a wider customer base.
Partnerships and Alliances	Currently we anticipate there will be no impact on the taxi trade arising from the implementation of Option A or B. However the Committee has instructed that a Taxi Demand Survey be undertaken and the results of this are expected to be reported in August 2018. This Demand Survey may disclose relevant economic implications for the City and the Taxi Trade

10. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	Completed and not required
Privacy Impact Assessment	Not required
<u>Children's Rights Impact Assessment/Duty of Due Regard</u>	Not applicable

11. BACKGROUND PAPERS

11.1 None

12. APPENDICES

12.1 Appendix 1- the Current Taxi Tariff Card

12.2 Appendix 2- the amended Taxi Tariff Card illustrating the proposed 5% increases.

13. REPORT AUTHOR CONTACT DETAILS

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NOTICE TO BE PROMINENTLY DISPLAYED IN VEHICLE



ABERDEEN
CITY COUNCIL

CITY OF ABERDEEN
LICENSING OF TAXIS AND PRIVATE HIRE CARS
MAXIMUM CHARGES APPLICABLE TO HIRE OF TAXIS AND PRIVATE HIRE CARS FITTED WITH TAXI METERS – WITH EFFECT FROM 23 JANUARY 2017

Basic Tariff

(A)	For the FIRST 950 yards	£2.40
(B)	For every additional 180.5 yards (Time Locked in Meter)	£0.20

Extras

(A) **Waiting**

A sum calculated at the rate of £23.00 per hour.

(B) **Surcharges**

(NB: Surcharges 1 to 6 and 8 to 11 apply to all taxis and private hire cars fitted with a meter. Surcharge 7 applies only to hires commencing at the airport for taxis zoned to operate there).

(1) For each hiring between 10pm on Mondays to Thursdays inclusive and 8am the following day. (Time Locked in Meter) **£1.00**

(2) For each hiring between 10pm on Friday and 8am on the following Monday. (Time Locked in Meter) **£1.00**

(3) For each hiring between 2am and 5am on Saturday and Sunday mornings. (Time Locked in Meter) **£2.00**

(4) For each hiring pre-booked. **£1.00**

(5) For each hiring on the Spring, May Day, Midsummer and Autumn holidays as follows: - **£1.00**

Spring- Monday following third Sunday in April (if such Monday falls within the week in which Good Friday falls, then the following Monday)
Mayday-first Monday in May
Midsummer-second Monday in July
Autumn –fourth Monday in September

(6) For each hiring between 10pm on 24 December and 5am on 27 December and between 10pm on 31 December and 5am on 3 January. (Time Locked in Meter) **Add 50% to basic tariff**

(7) For each hiring commencing at the Airport. **£1.00**

(8) For each hiring dropping passengers at the inner forecourt of the airport (Non-airport zoned taxis only) **£2.00**

(9) For each hiring commencing at Aberdeen Railway Station. **£0.50**

(10) A charge of £50 per incident of fouling a taxi.

(11) Where more than four passengers carried. **Add 50% to basic tariff plus surcharges (excluding surcharges 4,7 and 8)**

Head of Legal and Democratic Services

EXPLANATORY NOTES.

1. The Council is required to set a maximum amount that can be charged for journeys in Taxis and Private Hire Cars fitted with Taximeters which it licences. Fares are reviewed at regular intervals to take into account of the operational costs of the vehicle and the driver's time, to allow the operator to make a reasonable return and to encourage the operation of taxis. Comparisons are made with taxi fares in other areas of the UK. There is opportunity for the public and trade to participate in the setting on the levels of fares proposed and taxi operators have the right to appeal against the Tariff set down by the Council before it comes into operation.
2. Please note that a taxi driver is not required to take you on a journey ending outside the city boundary. Typical Destinations in the City – Aberdeen Airport, Bridge of Don, Cove, Dyce, Kingswells and Peterculter. Outwith the City – Banchory, Blackburn, Ellon, Kemnay, Kintore, Inverurie, Oldmeldrum, Portlethen, Stonehaven and Westhill. If the driver does agree to take you outwith the city, these maximum fares do not apply and it is up to you to reach agreement with the driver as to the fare. You should do this before you start.
3. If you have booked a taxi to arrive at a particular time and keep it waiting, the driver can start the meter running once he has made his presence known to you and you can be charged at the maximum Waiting Time Rate shown on the Tariff.
4. The taximeter contains an electronic clock and calendar and calculates the correct fare based on the date, time of day and distance travelled. If the vehicle's speed falls below a predetermined speed, the taximeter will automatically switch over from calculating the fare based on the distance travelled to a calculation based on the time spent in the vehicle. You will be able to see the fare mounting up on the taxi meter as the vehicle goes along.
5. The driver is required to take you to your destination by the shortest practicable route.
6. The maximum fare you are required to pay is the sum calculated in accordance with the Tariff overleaf.
7. Please note that - (1) The fare payable may differ for the same journey on different days if the taxi has been held up in traffic and (2) a very short journey may be relatively expensive, due to the way the meter works. The fare will also vary depending on whether the trip was during the evening, early Saturday or Sunday morning or during certain public holidays.
8. If you are asked to pay VAT on the fare, please ask for a proper VAT receipt.
9. It is up to you to decide whether you wish to give the driver a Tip.
10. It is a criminal offence for you to take a taxi journey without having the money to pay for it.

Website: For explanatory notes about the tariff & other taxi/private hire car information see aberdeencity.gov.uk.

Complaints: Any complaints should be made to the Licensing Department by telephoning 01224 522879 or 522878 or by email to licensing@aberdeencity.gov.uk . Complaints can also be made to any police station or on the non-emergency police number 101. The licence number of the vehicle or its driver and the name of the company should be quoted.

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Exempt information as described in paragraph(s) 6, 8, 10 of Schedule 7A of the Local Government (Scotland) Act 1973.

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