

# Public Document Pack



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

Town House,  
ABERDEEN 21 October 2019

## LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in **Committee Room 2 - Town House** on **TUESDAY, 29 OCTOBER 2019 at 10.00 am.**

FRASER BELL  
CHIEF OFFICER - GOVERNANCE

### **BUSINESS**

#### **NOTIFICATION OF URGENT BUSINESS**

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

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#### **DECLARATIONS OF INTEREST**

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#### **DEPUTATIONS**

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6.2 Minutes of Meetings of the Licensing Sub Committee of 14 August, 11 September, 30 September and 11 October 2019. (Pages 19 - 30)

6.3 Minute of Meeting of the Taxi and Private Hire Car Consultation Group of 2 October 2019 (Pages 31 - 38)

6.4 Committee Business Planner (Pages 39 - 42)

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

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7.2 Renewal of a Licence for a House in Multiple Occupation - 456A Great Western Road, Aberdeen (Flat 6) (Pages 65 - 76)

7.3 Application for a New Licence for a House in Multiple Occupation - 130 Great Northern Road (Pages 77 - 82)

7.4 Renewal of a Licence for a House in Multiple Occupation - 225 Union Grove (Pages 83 - 86)

7.5 Exemption from Late Hours Catering Licence - WM Morrison Supermarket PLC (Pages 87 - 90)

7.6 Application for the Grant of a Street Trader's Licence - Roots Plant Based Catering (Pages 91 - 94)

7.7 Application for the Grant of a Street Trader's Licence - Clint Sangbarani (Pages 95 - 98)

**COMMITTEE REPORTS**

8.1 Public Charitable Collection Policy Review - GOV/19/403 (Pages 99 - 104)

8.2 Taxi Fare Review - GOV/19/302 (Pages 105 - 116)

**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.**

- 9.1 Renewal of a Licence for a House in Multiple Occupation - 105B Sunnyside Road, Aberdeen (Pages 119 - 138)
- 9.2 Renewal Application for a House in Multiple Occupation - 105C Sunnyside Road, Aberdeen (Pages 139 - 146)
- 9.3 Renewal of a Licence for a House in Multiple Occupation - 71 Hilton Avenue, Aberdeen (Pages 147 - 156)
- 9.4 Application for a New Licence for a House in Multiple Occupation - 75 Hilton Avenue, Aberdeen (Pages 157 - 164)
- 9.5 Request for Exemption from Wheelchair Accessible Vehicle Policy (Pages 165 - 172)
- 9.6 Application for the Renewal of a Taxi Driver's Licence (Pages 173 - 176)
- 9.7 Application for the Grant of a Street Trader's Licence (Employee) (Pages 177 - 182)

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

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## **DECLARATIONS OF INTEREST**

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

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

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

### **OR**

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

### **OR**

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

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

### **OR**

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

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

## LICENSING COMMITTEE

ABERDEEN, 20 August 2019. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Reynolds, Convener; Councillor Malik, Vice Convener; and Councillors Allan, Delaney, Henrickson, Hutchison, Sellar, Townson and Wheeler (as a substitute for Councillor Bell).

### URGENT BUSINESS

1. The Convener had determined that a taxi licensing concession request in relation to Offshore Europe be considered as a matter of urgency in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, and that it would be considered as item 7.11 on the agenda.

**The Committee resolved:-**  
to concur with the Convener.

**The agenda and reports associated with this minute can be found at:-**  
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=6808&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 BUSINESS

2. The Committee was advised that the applications/requests listed at item 9 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 9 on the agenda.

### DECLARATIONS OF INTEREST

3. The following declaration of interest was intimate:  
(i) Councillor Wheeler declared an interest in relation to items 7.1 to 7.5 and 9.1 (all applications for licences for a House in Multiple Occupation), by virtue of being a landlord. Councillor Wheeler did not consider that the nature of his interest required him to leave the meeting during consideration of the aforementioned items.

**LICENSING COMMITTEE**  
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**MINUTE OF PREVIOUS MEETING OF 4 JUNE 2019**

4. The Committee had before it the minute of its meeting of 4 June 2019 for approval.

**The Committee resolved:**

to approve the minute as a correct record.

**MINUTES OF THE MEETINGS OF THE LICENSING SUB COMMITTEE OF 25 JUNE AND 3 AND 17 JULY 2019**

5. The Committee had before it the minutes of the meetings of the Sub Committee of 25 June and 3 and 17 July 2019 for approval.

**The Committee resolved:**

to approve the minutes of the Sub Committee as a correct record.

**COMMITTEE BUSINESS PLANNER**

6. The Committee had before it the committee business planner as prepared by the Chief Officer – Governance.

**The Committee resolved:**

to note the committee business planner.

**APPLICATIONS FOR LICENCES**

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

**The Committee resolved:-**

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

**CONFIDENTIAL INFORMATION**

**The press and public were excluded from the meeting for consideration of the applications listed in section 0 on the agenda and appendix B of the minute which contained confidential information in terms of Section 50A 3(b) of the Local Government (Scotland) Act 1973.**

**LICENSING COMMITTEE**  
20 August 2019

**APPLICATIONS FOR LICENCES - CONFIDENTIAL BUSINESS**

8. 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.

- **Councillor Reynolds, CONVENER**

**LICENSING COMMITTEE**  
20 August 2019

**APPENDIX A**

**1. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 34  
ERSKINE STREET, ABERDEEN (TOP FLOOR FLAT)**  
**Application Reference 7/01**

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

**2. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 32  
KINTORE PLACE, ABERDEEN**  
**Application Reference 7/02**

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

**3. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION –  
124 DON STREET, WOODSIDE, ABERDEEN**  
**Application Reference 7/03**

The Committee noted that the application had been withdrawn.

**4. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION –  
121 OSCAR ROAD, ABERDEEN**  
**Application Reference 7/04**

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

**5. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 39  
KING'S CRESCENT, ABERDEEN**  
**Application Reference 7/05**

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

The applicant Sujon Hoque was attendance.

None of the three respondents were in attendance, nor represented.

The Committee then heard from the applicant, Sujon Hoque, in support of the application.

The Committee asked questions of the respondent.

## LICENSING COMMITTEE

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The applicant summed up.

**The Committee resolved:**

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

**6. APPLICATION FOR A PUBLIC CHARITABLE COLLECTION – MAGGIE’S ABERDEEN, ROOF TERRACE OF ST NICHOLAS CENTRE AND GEORGE STREET, ABERDEEN**  
**Application Reference 7/06**

The Committee had before it an information sheet prepared by the Chief Officer - Governance in respect of the application which advised that the application had been placed on the agenda as the applicant was seeking to hold a public charitable collection on Saturday 7 September 2019. However, another public charitable collection had already been granted a permit for that date and Committee guidelines were to only permit one collection in the same area on the same day.

The applicant, Ms Paula Cormack, Maggie’s Aberdeen, was in attendance and spoke in support of the application and explaining why it should be exempt from Policy.

**The Committee resolved:**

to agree that the application be exempt from the Public Collection Policy and to instruct the Chief Officer – Governance to process it accordingly.

**7. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE APPLICANT: CRAIGTON FOODS LTD**  
**LOCATION: MCDONALD’S KITTYBREWSTER RETAIL PARK**  
**Application Reference 7/07**

The Committee noted that the licence had been granted under delegated powers after the applicant had amended the application to comply with policy.

**8. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE APPLICANT: NASIFA LTD**  
**LOCATION: QISMAT 2, 63 HAYTON ROAD**  
**Application Reference 7/08**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application

## LICENSING COMMITTEE

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had to be determined by 4 October 2019; and the applicant was requesting a late hours catering licence from 23:00 to 02:00 Monday to Thursday and 23:00 to 03:00 Friday and Saturday and as the premises were located outwith the City Centre this request was outwith the policy.

The applicant was not in attendance, nor represented.

**The Committee resolved:**

to grant the licence on the basis of the operating hours as detailed in the Late Hours Catering Policy and therefore not beyond midnight Monday to Sunday.

**9. APPLICATION FOR THE GRANT OF A STREET TRADER'S LICENCE**  
**APPLICANT: C & L CATERING**

**LOCATIONS:**

1. **BEACH ESPLANADE, WEST SIDE, 408 METRE NORTH OF BOULEVARD JUNCTION**
2. **LINKS ROAD (NORTHERN SPUR) NORTH SIDE, 85 METERS FROM ESPLANADE JUNCTION**
3. **BEACH ESPLANADE, EAST SIDE, 209 METERS SOUTH OF BOULEVARD JUNCTION**
4. **BEACH ESPLANADE, EAST SIDE, 256 METERS NORTH OF LINKS ROAD (SOUTHERN SPUR)**
5. **BEACH ESPLANADE, EAST SIDE, 146 METRES NORTH OF LINKS ROAD (SOUTHERN SPUR)**

**Application Reference 7/09**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 25 October 2019 and one representation from Councillor Macdonald had been received.

The applicant was not in attendance, nor represented.

The respondent, Councillor Macdonald, was not in attendance.

**The Committee resolved:**

to grant the licence for the following two locations:

1. Links Road (Northern Spur) north side, 85 metres from Esplanade Junction; and
2. Beach Esplanade, east side, 256 metres north of Links Road (Southern Spur).

**LICENSING COMMITTEE**

20 August 2019

**10. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE  
APPLICANT: JOHN MCDONALD  
Application Reference 7/10**

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

**11. TAXI LICENSING CONCESSION REQUEST – OFFSHORE EUROPE  
Application Reference 7/09**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of a request for the following concessions for taxi licensing during Offshore Europe week 2019

1. All Airport Taxis able to pick up from the rank that is being created at the AECC (from 2 September 2019 to midnight on 6 September 2019); and
2. If there were members of the public waiting at City Centre Ranks then Airport Licenced Taxis were permitted to pick up (this would not affect the normal midnight – 5am Saturday and Sunday)

The applicant was not in attendance, nor represented.

**The Committee resolved:**

to relax the condition zoning the city for the purposes of taxi operation at city centre taxi ranks from 6am on 2 September to midnight on 6 September 2019 in light of Offshore Europe week 2019, and to permit airport zone taxis to pick up at city ranks, as well as the taxi rank at the P&J Live Arena.

**LICENSING COMMITTEE**  
20 August 2019

**APPENDIX B**

**1. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 9 CRAIGIEVAR CRESCENT, ABERDEEN**  
**Application Reference 9/01**

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

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

The respondent was in attendance and spoke in support of his representation.

The Committee asked questions of the applicant and the respondent in attendance.

The respondent summed up.

The applicant summed up.

The Convener, seconded by the Vice Convener, moved:-  
that the Committee defer consideration of the application until the works were completed, after which time the Private Sector Housing Manager could grant the licence for a period of six months under delegated powers if appropriate.

Councillor Hutchison, seconded by Councillor Allan, moved as an amendment:-  
that the Committee refuse the licence on the grounds that (1) the property was unsuitable for occupation as an HMO due to its condition and the safety and security of the persons likely to occupy it; and (2) the applicant was not considered to be a fit and proper person to hold an HMO licence.

On a division, there voted:- for the motion (6) – the Convener; the Vice Convener; and Councillors Henrickson, Sellar, Townson and Wheeler; for the amendment (3) – Councillors Allan, Delaney and Henrickson.

**The Committee resolved:**  
to adopt the motion.

**LICENSING COMMITTEE**  
20 August 2019

**2. REQUEST FOR EXEMPTION FROM THE WHEELCHAIR ACCESSIBLE VEHICLE POLICY**  
**Application Reference 9/02**

The Committee had before it (1) an information sheet prepared by the Chief Officer – Governance in respect of the request for exemption from the Wheelchair Accessible Vehicle Policy.

The licence holder was not in attendance, however had requested a deferral to enable him to be in attendance.

**The Committee resolved:**

to defer consideration of the request to the next meeting of the Committee to enable the licence holder to be present.

**3. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE**  
**Application Reference 9/03**

With reference to article 2 of appendix B of the minute of the meeting of the Licensing Committee of 4 June 2019, the Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 11 October 2019; and presented information in respect of the applicant for the Committee's consideration, including a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 2 May 2019.

The applicant was in attendance and was represented by his solicitor.

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

Sergeant Flett as a preliminary point advised that she had a further letter of representation from Police Scotland that she wished to submit into proceedings and explained the reason for the late submission.

**The Committee resolved:**

to accept the late submission from Police Scotland into proceedings.

In light of the acceptance of the late submission into proceedings, the applicant's representative requested that consideration of the application be deferred to enable the applicant to consider the content of the letter.

**The Committee resolved:**

to defer consideration of the application to a meeting of the Licensing Sub Committee.

**LICENSING COMMITTEE**

20 August 2019

**4. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE  
Application Reference 9/04**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 4 October 2019 and a medical report from the Council's Occupational Health had been received.

The applicant was not in attendance, nor represented.

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

**5. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE  
Application Reference 9/05**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 27 September 2019 and a medical report from the Council's Occupational Health had not been received.

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

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

## LICENSING COMMITTEE

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## LICENSING SUB COMMITTEE

ABERDEEN, 14 August 2019. Minute of Meeting of the LICENSING SUB COMMITTEE. Present:- Councillor Reynolds, Convener; and Councillors Malik, Townson, Wheeler (as substitute for Councillor Bell) and Yuill (as substitute for Councillor Delaney).

**The agenda and reports associated with this minute can be found at:-**  
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=624&MIId=7060&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.**

### DECLARATIONS OF INTEREST

1. Councillor Townson declared an interest in relation to the notification of public procession by virtue of his membership of the Scottish National Party but considered that the nature of his interest did not require him to leave the meeting.

### NOTIFICATION OF PUBLIC PROCESSION - ALL UNDER ONE BANNER

2. The Sub Committee had before it (1) a notice under Section 62 of the Civic Government (Scotland) Act 1982 of a proposed public procession on Saturday 17 August 2019 submitted by Gary Kelly on behalf of All Under One Banner; (2) a risk assessment form in that regard, completed by the organiser; (3) an information note by the Chief Officer - Governance which summarised the position and provided the Sub Committee with three options; (4) a response from Police Scotland in relation to the notification; and (5) an objection to the proposal, which had been submitted by Mr Stephen Beer.

The organiser was represented by Mr Neil McKay who spoke in support of the proposal.

Mr Beer was in attendance and spoke in support of his objection.

The Sub Committee heard from Constable Heather Nelson, Police Scotland.

The Sub Committee asked questions of Mr McKay, Mr Beer, Constable Nelson, Mr Kevin Abercrombie, Traffic Management, Aberdeen City Council and Mr Alexander Munro, Interim Licensing Team Leader, Aberdeen City Council.

Mr Beer, Mr Abercrombie and Mr McKay summed up. Constable Nelson declined the opportunity to sum up.

**LICENSING SUB COMMITTEE**

14 August 2019

The Convener moved, seconded by Councillor Malik:-

That the Sub Committee grant permission for the public procession subject to the nine conditions recommended by Police Scotland in their response, but with condition 4 being amended to read 'The organiser must **arrange** a Temporary Traffic Regulation Order (TTRO) and full approved Traffic Management company road closure to be in place over the route of the procession, for its duration.'

Councillor Townson moved as an amendment, seconded by Councillor Yuill:-

That the Sub Committee grant permission for the public procession subject to condition 4 only as recommended by Police Scotland in their response, and as originally worded.

On a division, there voted:- for the motion (3) - Convener; and Councillors Malik and Yuill; for the amendment (1) - Councillor Townson; absent from the division (1) - Councillor Wheeler.

**The Sub Committee resolved:-**

to adopt the motion.

- **COUNCILLOR JOHN REYNOLDS, Convener.**

**LICENSING SUB COMMITTEE**  
14 August 2019

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## LICENSING SUB COMMITTEE

ABERDEEN, 11 September 2019. Minute of Meeting of the LICENSING SUB COMMITTEE. Present:- Councillor Reynolds, Convener; and Councillors Delaney, Sellar and Townson.

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

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

### CONFIDENTIAL INFORMATION

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

### APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

1. With reference to article 3 of appendix B of the minute of the meeting of the Licensing Committee of 20 August 2019, the Sub Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 11 October 2019; and presented information in respect of the applicant for the Committee's consideration, including a letters of representation from the Chief Superintendent, Police Scotland, c/o North East Division dated 2 May and 1 July 2019.

Mr Munro, Legal Advisor, provided the Sub Committee with a verbal update on the application, and as a preliminary point, he intimated that the applicant had provided three employment related character references that he wished to submit into proceedings.

The Sub Committee resolved:-  
to accept the additional letters into the proceedings.

The applicant was in attendance and was represented by his solicitor who spoke in support of the application.

Constable Fyfe was in attendance and spoke in support of Police Scotland's letters of representation.

The Sub Committee asked questions of the applicant and Constable Fyfe.

Constable Fyfe summed up.

**LICENSING SUB COMMITTEE**  
11 September 2019

The applicant's Solicitor summed up.

Councillor Townson, seconded by the Convener, moved:-  
to grant the licence for three years.

Councillor Delaney moved an amendment to refuse the application on the grounds that the applicant was not a fit and proper person, however there was not a seconder, therefore the amendment fell.

**The Sub Committee resolved:-**

to grant the licence for three years.

- **COUNCILLOR JOHN REYNOLDS, Convener**

**LICENSING SUB COMMITTEE**  
11 September 2019

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## LICENSING SUB COMMITTEE

ABERDEEN, 30 September 2019. Minute of Meeting of the LICENSING SUB COMMITTEE. Present:- Councillor Bell (as substitute for Councillor Reynolds), Convener; and Councillors Delaney, Sellar and Townson.

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

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

### CONVENER

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

### CONFIDENTIAL INFORMATION

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

### APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

2. With reference to article 5 of Appendix B of the minute of meeting of the Licensing Committee of 20 August 2018, the Sub Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 1 October 2019 and a medical report from the Council's Occupational Health dated 18 September 2019.

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; and
  - (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.
- **COUNCILLOR PHILIP BELL, Convener**

**LICENSING SUB COMMITTEE**  
30 September 2019

## LICENSING SUB COMMITTEE

ABERDEEN, 11 October 2019. Minute of Meeting of the LICENSING SUB COMMITTEE. Present:- Councillor Reynolds, Convener; and Councillors Delaney and Macdonald (as substitute for Councillor Malik).

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

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

### CONFIDENTIAL 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.

### REQUEST FOR THE SUSPENSION OF A TAXI DRIVER'S LICENCE AND PRIVATE HIRE CAR LICENCE

1. 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 within six weeks; and (2) a letter dated 3 September 2019 from the Chief Superintendent, Police Scotland, c/o North East 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 private hire car licence.

The licence holder was not in attendance.

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

#### **The Sub Committee resolved:**

to agree to suspend the licence holder's taxi driver's licence and private hire car licence with immediate effect for its unexpired portion in terms of Paragraph 11 and 12 of Schedule 1 to the Civic Government (Scotland) Act 1982 on the grounds of public safety and that the licence holder be instructed to return his licence plates to the Chief Officer - Governance immediately.

- **COUNCILLOR JOHN REYNOLDS, Convener.**

**LICENSING SUB COMMITTEE**  
11 October 2019

## TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP

ABERDEEN, 2 October 2019. Minute of Meeting of the TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP. Present:- Councillor Reynolds, Chairperson; and Councillor Lumsden (as substitute for Councillor Donnelly); Bill Price (Railway Taxi Drivers), Stewart Duncan (Airport Drivers), Graeme McColl (Aberdeen Taxi Group) and Russell McLeod (Rainbow City Taxis).

In attendance:- Sergeant Gillian Flett (Police Scotland), Lynn May, David McKane and Sandy Munro (Licensing), John Weir and William Whyte (Fleet Services), Mark Masson and Emma Robertson (Committee Services).

### MINUTE OF MEETING OF 26 JUNE 2019 - FOR APPROVAL

1. The Consultation Group had before it the minute of its previous meeting of 26 June 2019.

**The Taxi and Private Hire Car Consultation Group resolved:-**  
to approve the minute as a correct record.

### ENFORCEMENT OFFICER REPORT

2. The Consultation Group had before it a report which provided an overview of the activity of the Enforcement Officers regarding taxi enforcement operations since the previous meeting.

The Enforcement Officer spoke to the report during which he highlighted that enforcement officers had continued to conduct enforcement operations, some in conjunction with Police Scotland and City Wardens. Mr McKane emphasised that City Wardens would be enforcing non-parking restrictions in the Broad Street/Queen Street area.

Speaking in furtherance of the report, Mr McKane, Enforcement Officer, reminded drivers to check their vehicles in advance of testing, as the number of vehicles failing for issues that could be rectified in advance was an area of concern.

**The Taxi and Private Hire Consultation Group resolved:-**  
to note the update.

### LEZ INFORMATION NOTE

3. The Consultation Group had before it an Information Note in regard to Low Emission Zones (LEZ) in Aberdeen City. The Group received a presentation from Mr Will Hekelaar, Senior Engineer in this regard. He provided background information on:-

- Air quality in Aberdeen;
- Policy and Legislation;
- What is a LEZ;
- Data Gathering;

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP  
2 October 2019

- Aberdeen City Centre;
- City Centre with 40% less Traffic; and
- Next Steps

Mr Hekelaar advised that further reading was available at:

[www.lowemissionzones.scot](http://www.lowemissionzones.scot)

or by emailing: [transportstrategy@aberdeencity.gov.uk](mailto:transportstrategy@aberdeencity.gov.uk)

Lynn May, Solicitor, Aberdeen City Council, made reference to a Hydrogen Fuel Event being held today and sought the views of the taxi trade which she would feed back to the organiser, Louise Napier, Senior Project Officer, Aberdeen City Council.

There followed a discussion regarding infrastructure in the city centre for taxis to charge electric or hydrogen vehicles.

**The Taxi and Private Hire Car Consultation Group resolved:-**

to note the Information Note and presentation.

**PROPOSED PROHIBITION OF DRIVING - LANGSTANE PLACE**

4. The Consultation Group had before it a report by the Chief Officer – Operations and Protective Services which provided information in relation to proposed prohibition of driving at an area around Langstane Place. The proposals included:

- (1) prohibition of motor vehicles between 10pm and 5am, 7 days a week, on Justice Mill Lane, Bon Accord Terrace (part of), Langstane Place (part of), Gordon Street (part of), Windmill Brae, Windmill Lane, Bath Street and Bridge Street (part of), with exemptions for cyclists, blue badge holders and for access to off-street car parks;
- (2) 24-hour prohibition of motor vehicles on Langstane Place between Dee Street and Crown Street, with a timed exemption for delivery by goods vehicles between 6am and 11am Monday to Saturday; and
- (3) a proposed reintroduction of pay and display parking bays on the east side of Dee Street, with the conversion of 3 existing pay and display bays to blue badge holders only.

**The report recommended:-**

that the Taxi and Private Hire Consultation Group –

- (a) consider the proposals for the Justice Mill Lane / Langstane Place / Windmill Brae area and provide the Chief Operating Officer with their views on the proposals; and
- (b) confirm what, if anything, they believe could be done to mitigate any impact on the Dee Street taxi rank.

**The Taxi and Private Hire Consultation Group resolved:-**

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP  
2 October 2019

- (i) to note the report; and
- (ii) that the members would respond to the Chief Operating Officer with their views on the proposals.

### **OFFSHORE EUROPE ROAD CLOSURES**

5. The Consultation Group had before it correspondence from Bill Price, Railway Taxi Drivers, regarding Offshore Europe Road closures.

Mr Price began by congratulating the Roads Department and TECA for the smooth operation of the taxi rank at the first large event to be hosted at TECA. However, Mr Price reported that there had been an issue returning to TECA at peak time due to the closure of Dyce Drive.

In response, Ross Stevenson, Engineer, Operations and Protective Services advised that a review of the road traffic arrangements and the lessons learned from the event would be carried out in liaison with SMG Europe (operators of TECA).

**The Taxi and Private Hire Consultation Group resolved:-**

to note the concerns and the information provided.

### **SAFEGUARDING TRAINING**

6. The Consultation Group heard from Sandy Munro, Interim Licensing Team Leader, in relation to correspondence received from the Blue Lamp Trust dated 4 September 2019, which offered a training course on safeguarding awareness specifically for taxi and private hire drivers.

**The Taxi and Private Hire Consultation Group resolved:-**

to note the information provided and that the taxi trade would disseminate the information to their members.

### **TAXI KNOWLEDGE TEST**

7. The Group had before it correspondence from Chris Douglas, Aberdeen Taxis Ltd, which proposed changes to the structure of the Taxi Knowledge test.

Mr Douglas was unable to attend the meeting today, however Graeme McColl and Russell MacLeod spoke on his behalf.

The correspondence advised that:-

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP  
2 October 2019

- (1) at present applicants were required to take all four topics of the current Taxi/Private hire knowledge test and pass with at least 75% of all parts in that test in order to achieve an overall pass of the whole test; and
- (2) if a candidate fails any one part of the four parts, they are then required to re-sit the whole test again at another time. Therefore, losing the passes they previously had on the other sections.

In his letter, Mr Douglas proposed the following:-

- (a) an amendment to the test structure in order to incentivize potential candidates to progress through the Street knowledge test.
- (b) that if a candidate passes any one part of the four-part test that they would retain that pass and therefore, not be required to re-sit that part should they fail any other Topic. Subsequently, if they pass three and fail one, at the next test they would only be required to sit the one part that they failed.

It was suggested that members could contact Mr Munro with any further proposals.

**The Taxi and Private Hire Consultation Group resolved:-**

that a report in relation to the Taxi Knowledge Test be submitted to the next Group meeting on 12 February 2020.

**LICENCE RENEWALS**

8. The Group had before it correspondence from Bill Price, Railway Taxi Drivers, relating to Licence renewals.

Mr Price explained that:-

- (a) a request had come from taxi drivers regarding the time taken to receive their licence renewal; and
- (b) it was causing problems with the drivers' insurance companies as they required proof that the driver held a current taxi driver's licence.

Mr Munro acknowledged that there was a delay and that the Licencing Team was looking at processes/resources to address the issue. He advised that the Team were happy to confirm licence status by telephone with rail operators at Aberdeen Station and with insurance firms.

**The Taxi and Private Hire Consultation Group resolved:-**

to note the information provided.

**AOCB**

9. (A) Bus Gates

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP  
2 October 2019

The Chairperson sought the views of the taxi and private hire trade in respect of the current bus gate situation across the City.

Members acknowledged that customers were unhappy with current road traffic regulations which do not permit private hire drivers to pass through bus gates, although taxi drivers were able to do so, making journeys longer and more expensive for private hire driver customers.

The Chair suggested that the concerns of the Group be minuted, noting that the Licensing Committee could consider the request and suggest to the Operational Delivery Committee that they receive a report in this regard.

**The Taxi and Private Hire Consultation Group agreed:-**

- (i) to note the concerns of the group; and
- (ii) that the request to allow access for private hire drivers through bus gates be considered by the Licensing Committee at their next meeting.

(B) Taxi Fare Review

The Group heard Karen Gatherum, Trainee Solicitor make reference to the Taxi Fare Review report which would be considered by the Licensing Committee on 3 December 2019.

She advised (a) that the report recommended either a taxi fare increase of 6% or the status quo; (b) that the increased percentage figure had been arrived at using the HPI website; and (c) that statutory consultation would be undertaken.

**The Taxi and Private Hire Consultation Group agreed:-**

- (i) to note the information provided; and
- (ii) that the taxi waiting time be adjusted accordingly and included within the report to the Licensing Committee.

**DATES OF FUTURE MEETINGS:**

10. The Consultation Group had before it proposed dates of future meetings, all commencing at 10.00am in the Town House as follows:-

- 12 February 2020;
- 18 June 2020; and
- 7 October 2020

**The Taxi and Private Hire Consultation Group resolved:**

to agree the proposed future meeting dates for 2020.

- **COUNCILLOR JOHN REYNOLDS, Convener.**

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP  
2 October 2019

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP  
Wednesday, 2 October 2019

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	A	B	C	D	E	F	G	H	I
1	<b>LICENSING COMMITTEE BUSINESS PLANNER</b> The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting.								
2	<b>Report Title</b>	<b>Minute Reference/Committee Decision or Purpose of Report</b>	<b>Update</b>	<b>Report Author</b>	<b>Chief Officer</b>	<b>Directorate</b>	<b>Terms of Reference Number</b>	<b>Delayed or Recommended for removal or transfer, enter either D, R, or T</b>	<b>Explanation if delayed, removed or transferred</b>
3			<b>29 October 2019</b>						
4	Public Collection Policy	Licensing Committee 4.6.19 article 5 of appendix A (ii). The Committee resolved to instruct the Chief Officer – Governance to review the current Public Collection Policy to ensure that it was still fit for purpose and to report back to the Committee in this regard at its meeting on 29 October 2019.		Lynn May	Governance	Governance	7		
5	Taxi Fare Review	To seek approval of a taxi fare option for consultation.		Karen Gatherum	Governance	Governance	3		
6			<b>03 December 2019</b>						
7	Taxi Fare Review Outcome of Consultation	To present the outcome of the taxi fare review consultation and to seek approval of a final fare structure.		Karen Gatherum	Governance	Governance	3		
8	Sexual Entertainment Venue Licensing	To present options for consideration in light of new legislation. The Licensing Committee in August 2018 noted that the Legislation has still not been enacted and that a report presenting the options for consideration will be submitted once the legislation has been published.		Alexander Munro	Governance	Governance	3		
9			<b>18 February 2020</b>						
10	Taxi Fare Formula	Licensing Committee on 25 October 2016 (articles 5 and 9) resolved amongst other things to 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.		Lynn May	Governance	Governance	3		
11			<b>21 April 2020</b>						
12	No reports scheduled at this time.								
13			<b>16 June 2020</b>						
14	No reports scheduled at this time.								
15			<b>01 September 2020</b>						
16	No reports scheduled at this time.								
17			<b>10 November 2020</b>						

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference Number	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
18	No reports scheduled at this time.								
19			<b>TBC</b>						
20	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		
21	Mixed Fleet Policy Options	Licensing Committee 5.03.18 (article 12). The Committee resolved to recognise that in compliance with The Equality Act 2010 that all taxi user requirements should be considered and instructs the Chief Officer Governance: (1) to prepare a report with suitable mixed fleet policy options for the split which would address all customer needs whether they are a wheelchair user, visually impaired or have other mobility requirements or other relevant disability; (2) to submit the aforementioned options to the Licensing Committee meeting by June 2022 for consideration, noting that subject to the approval in principle of the options a full consultation as outlined in section 4.2 of the report would be undertaken and the outcome reported back to the Committee; and (iv) to further recognise that in 1994 when new applications for taxi licences were required to be wheelchair accessible vehicles an exemption was allowed for existing licence holders, at that time, to retain a non-accessible vehicle and even licence a further non-accessible vehicle on renewal of the licence or replacement of such vehicle and to agree that this exemption should remain meantime and instructs the Chief Officer Governance to incorporate this exemption as an option within the proposed mixed fleet policy options to be submitted to Committee by June 2022.		Sandy Munro	Governance	Governance	7		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference Number	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2	Taxi Driver Training	Licensing Committee 19/2/19 agreed to instruct the Chief Officer – Governance to continue to investigate training programmes for taxi and private hire drivers and report back to the Committee in this regard as and when appropriate.		Alexander Munro	Governance	Governance	3		
22									

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**LICENSING COMMITTEE - 29 OCTOBER 2019  
LIST OF APPLICATIONS**

	<b>Application Type</b>	<b>Name of Applicant(s)</b>	<b>Premises, Vehicle or Area to which Application Refers</b>	<b>Objections or Representations Received From</b>	<b>Date by which Application to be Determined (If Applicable)</b>	<b>Agenda Page Numbers</b>
1.	HMO Application (Renewal)	James Stewart + Northwood Aberdeen Ltd	26 Balmoral Road, Aberdeen	3 Objections	17 July 2020	<b>45 - 64</b>
2.	HMO Application (Renewal)	Douglas Farquhar + John V.Carroll	456A Great Western Road, Aberdeen (Flat 6)	One Objection	12 August 2020	<b>65 - 76</b>
3.	HMO Application (New)	5Rooms Ltd + Brendan Power	130 Great Northern Road, Aberdeen	One Objection	13 August 2020	<b>77 - 82</b>
4.	HMO Application (Renewal)	Andrew Buchan + Winchesters Lettings Ltd	225 Union Grove, Aberdeen	One Objection	3 September 2020	<b>83 - 86</b>
5.	Exemption from Late Hours Catering Licence	W M Morrison Supermarket Plc	Morrisons Daily Petrol Filling Station, 130 West North Street	N/A	N/A	<b>87 - 90</b>
6.	Street Trader (Grant)	Roots Plant Based Catering	Beach Esplanade east side, 86m north of New Pier Road  Beach Esplanade east side, 73m south of Links Road  Trading Hours: Monday – Sunday 0700 - 2100hrs.	Community Council	12/2/2020	<b>91 - 94</b>

7.	Street Trader (Grant)	Clint Sangbarani	Beach Boulevard Retail Park, South Car Park, Aberdeen  Trading Hours: Monday – Sunday 0700 – 1800hrs	Community Council	16/1/2020	<b>95 - 98</b>
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**ABBREVIATIONS:**

Legal

EH Environmental Health

SFRS Fire and Rescue Service

BS Building Standards

Roads

## LICENSING COMMITTEE INFORMATION SHEET 29 OCTOBER 2019

**TYPE OF APPLICATION:** HMO LICENCE APPLICATION (RENEWAL)  
**APPLICANT:** JAMES STEWART  
**AGENT:** NORTHWOOD ABERDEEN LTD  
**ADDRESS:** 26 BALMORAL ROAD, ABERDEEN

### INFORMATION NOTE

This HMO licence application is on the agenda of the Licensing Committee for the reason that 3 letters of representation/objection were submitted to the HMO Unit within the statutory 21-day 'Notice' period, therefore the Committee is obliged to consider them.

If, after consideration of the representations/objections, the Committee is minded to grant the HMO licence it must do so under delegated powers following completion of the HMO Officer's requirements.

### DESCRIPTION

The premises at No.26 Balmoral Road, Aberdeen, is a 2-storey semi-detached house providing accommodation of 3 en-suite letting bedrooms, one kitchen, one public room and one cloakroom. The applicant wishes to accommodate a maximum of 3 tenants, which is acceptable to the HMO Unit in terms of space & layout. The location of the premises is shown on the plan attached as Appendix A.

### CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- A public Notice of HMO Application was displayed outside the building for the 21-day statutory period, alerting the general public to the HMO licence application.

### REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- General public – 3 letters of representation/objection received within the statutory 21-day 'Notice' period, details as follows:  
 Letter from Mr & Mrs King (attached as Appendix B)  
 Letter from C.Tough (attached as Appendix C)  
 Letter from C.M.Davies (attached as Appendix D)

## COMMITTEE GUIDELINES/POLICY

All applications for HMO licences are dealt with in accordance with the Scottish Government's document:  
*'Licensing of Houses in Multiple Occupation: Statutory Guidance for Scottish Local Authorities'*

## GROUNDINGS FOR REFUSAL

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

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

## OTHER CONSIDERATIONS

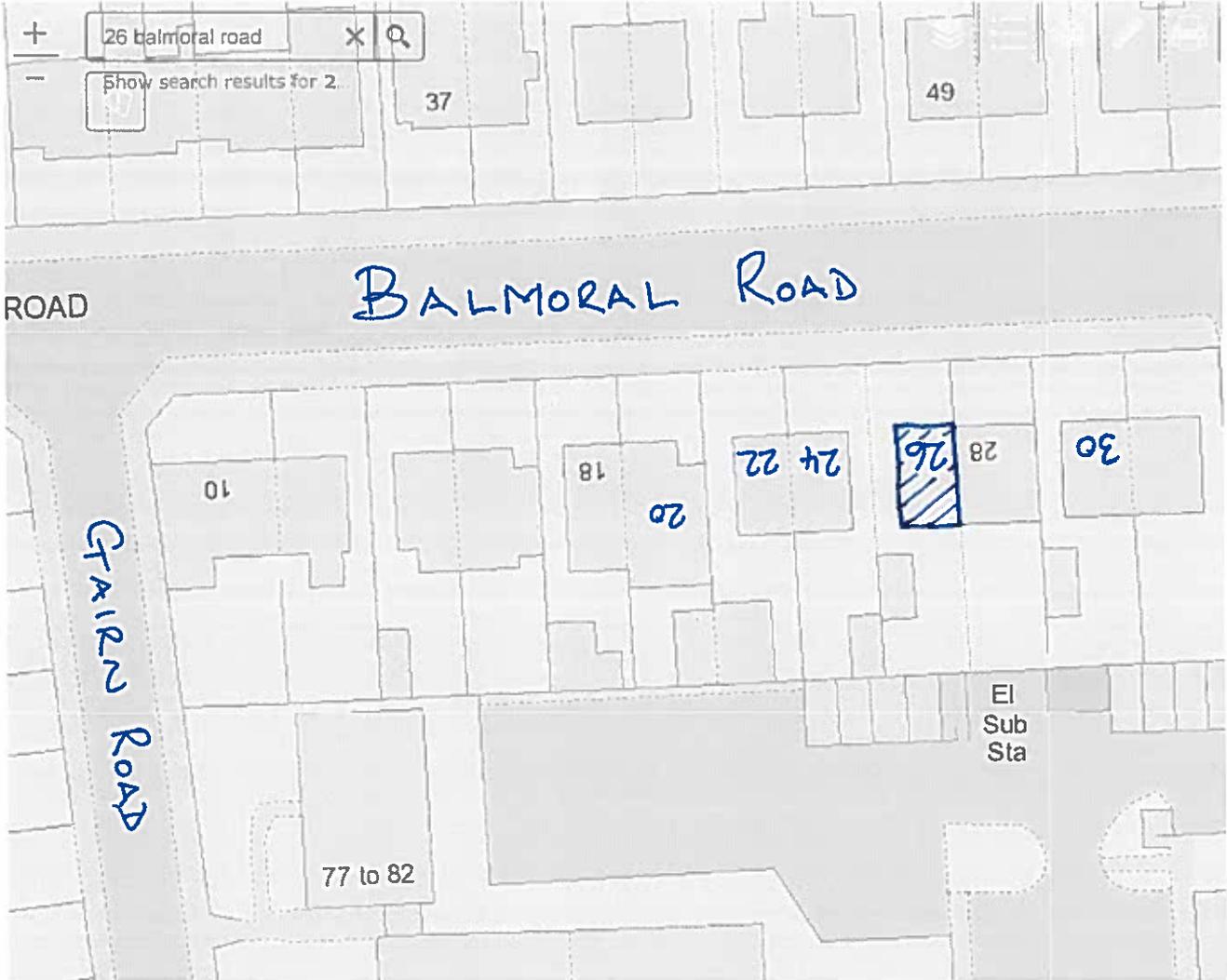
- Police Scotland was consulted in respect of the applicant's suitability as a 'fit & proper' person, and made no comment or objection.
- The Scottish Fire & Rescue Service was consulted in respect of the suitability of the premises as an HMO, and made no comment or objection.
- The applicant is registered as a landlord with this Council and the registration includes No.26 Balmoral Road, and one other rental property.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.26 Balmoral Road.
- The application under consideration is to renew an existing HMO licence which the applicant has held since June 2016.
- The letters of representation/objection attached as Appendixes C & D include documentation relating to the meeting of the Licensing Committee in January 2016, where the 'first-time' HMO licence application for No.26 Balmoral Road was considered as a result of 6 letters of objection having been submitted. The Committee resolved to grant an HMO licence for the maximum 3-year period.



# Housing Web Map Application

Portal for ArcGIS

User Guide



393,324.470 804,798.286 Meters

B

8<sup>th</sup> August 2019

HMO Unit  
Operations & Protective Services  
Business Hub 1  
Lower Ground Floor West  
Marischal College  
Broad Street  
Aberdeen

Dear Sirs

**Notice of Application for a Licence for a House in Multiple Occupation  
26 Balmoral Road, Aberdeen**

We wish to express our concern at the above Application for Renewal by Mr James Stewart.

We are owner/occupiers of [redacted] and have been resident here for nearly 50 years.

Over the time since the Licence was granted the property has not been maintained to the standard expected with refuse bins not being emptied, garden not being maintained and the general appearance of the property deteriorating. This has caused considerable distress to the adjoining neighbours, both widows living alone.

We understood that when a Factor was appointed to look after the property then maintenance would be carried out routinely. This has certainly not been the case.

We understand you already have photographic evidence of the problems being experienced.

We therefore object in the strongest terms to the granting of the above.

Yours faithfully

Alastair & Margaret King

Aberdeen City Council
Housing & Environmental Services
DATE RECEIVED
14 AUG 2019
Private Secretary

C

Aberdeen  
AB10 6AN.

Dear Sirs,

26 Balmoral Road, Aberdeen.

Objection to application for H.M.O. license  
I refer to notice of application for a  
license for a house of multiple occupation  
for 26 Balmoral Road

I refer to my letter of 12<sup>th</sup> October 2015  
see attached.

I have been increasingly concerned over  
the last few months with the state of the  
garden and bins which are now  
overflowing, and are a health hazard.

I strongly object to this H.M.O. being granted  
in view of the fact that none of the  
promises by Mr Stewart were undertaken

Aberdeen City Council Housing & Environment	
DATE RECEIVED	14 AUG 2019
Private Sector Housing Unit	

*Yours sincerely*  
*b Nougho (Mrs)*

C

12 October 2015

REGISTERED

HMO Unit, Private Sector Housing Unit  
Housing & Environment  
Business Hub 11, Second Floor West  
Marischal College  
Broad Street  
ABERDEEN  
AB10 1AB

Dear Sirs,

I wish to object to the granting of a licence to Mr J Stewart of 26 Balmoral Road, Aberdeen AB10 6AN to turn his address in to a house of multiple occupancy.

I have lived at \_\_\_\_\_ for 22 years and during that time multiple occupancy has never applied at No. 26. I am concerned by the fact I do not know or understand the criteria for who may reside at No. 26. With increased number of occupants in the area I am concerned about access to parking. As a widow and a pensioner, I am worried it may affect my ability to get around if I cannot park nearby. I also have concerns with regards to an increased risk of noise in the area, which at present is typically tranquil.

As Mr Stewart does not live locally, garden neglect, which has happened previously, is another concern. I share a path with number 26 and have concerns over the use and potential noise generated from more frequent use by any additional inhabitants.

This has always been a very peaceful area of Aberdeen to live in, and we wish to maintain this.

I look forward to receiving your response within 14 days in relation to my above objection.

Yours faithfully,

Mrs C. Tough

<b>Aberdeen City Council</b>
<b>Housing &amp; Environment</b>
<b>DATE RECEIVED</b> <b>14 OCT 2015</b>
<b>Private Sector Housing Unit</b>

13/8/19

D

Dear Sirs

26 Balmoral Road, Aberdeen  
Objection to Application for HMO Licence

I refer to Notice of Application for a Licence for a House in Multiple Occupation which was attached to the gate of No. 26 Balmoral Road on Tuesday 30 July. I note that Representations have to given within 21 days. I live at [redacted] adjoining No 26 and for some months now the state of the garden at No 26 has been of great concern to me, my neighbour at [redacted] and other neighbours in the street. I E-mailed Northwood twice on 26 July and again on 31 July with regard to the gardens front and back being overgrown with weeds and that the bins had not been emptied for several weeks which is a health hazard (I enclose photographs to substantiate this).

I enclose a copy of the letter I sent to you on 12 October 2015 stating my concerns at that time if this HMO went ahead.

I would also draw your attention to the Statement of Reasons which were given to me.

With regard to No 10 on that Statement Mr Stewart assured the committee that he was making arrangements to maintain the garden, sadly that did not happen.

Regarding No 15 assurance was given by Mr Stewart that the management of the property would be undertaken by the appointed estate agency, again I have seen no evidence of this (both items have been highlighted for reference).

I therefore strongly object to the HMO being granted for the above reasons, and also my concerns that over the last 3 years there has been no maintenance or supervision of the property which has resulted in a significant deterioration.

yours faithfully

C.M. DAVIES

Aberdeen City Council
Housing & Environment
DATE RECEIVED
14 AUG 2019
Private Sector Housing Unit

D

12 October 2015

Dear Sirs

**26 Balmoral Road, Aberdeen**

**Objection to Application for HMO Licence**

I write with respect to the above property which I understand may be subject to an application for an HMO licence imminently.

I am the proprietor of \_\_\_\_\_ Aberdeen where I have lived for the last 42 years. My property is a semi-detached house, \_\_\_\_\_ I am 73 years old and live on my own, having been widowed since 1998.

On Sunday 4th October 2015 Mr Gill, my neighbour from the opposite side of the street approached me to alert me to the fact that a notice had been attached to a kerb-side tree, adjacent to my house. The notice had been orientated to point into the road and therefore could not be seen from the pavement side. I had been unaware of its presence due to its position. Please find attached to the end of this letter photographs showing the position of the notice. I can confirm that the notice has not moved since I was made aware of it on 4<sup>th</sup> October.

The notice confirms that my adjoining proprietor, Mr James Stewart has made an application for an HMO Licence in relation to 26 Balmoral Road, in accordance with the Housing Scotland Act 2006. The notice further confirms that the application was made on 27 September 2015. No managing agents are named on the notice.

<b>Aberdeen City Council</b>
<b>Housing &amp; Environment</b>
<b>DATE RECEIVED</b> <b>15 OCT 2015</b>
<b>Private Sector Housing Unit</b>

11/10/15

For reasons that I will explain later in this letter, I am deeply concerned by this application and the impact that this may have on me as adjoining neighbour as well as the wider neighbourhood, should the application be successful.

Since being made aware of the notice, I have discussed this matter with a number of my neighbours, conducted online research in order to better understand the correct process for dealing with such matters and have taken counsel from my son, Mr Graeme Davies. Acting on my behalf, he in turn has had a conversation with Mr Ally Thain of Aberdeen City Council, who we understand is the council official dealing with this application. This took place yesterday (12<sup>th</sup> October 2015) and during the conversation, Mr Thain confirmed that as yet, no application has been received from Mr Stewart however, although one is expected imminently. Mr Thain further confirmed that I should I have any concerns with the application, I should act on the assumption that the above notice is competent and should submit a written objection without delay.

For clarity, please accept this letter as my formal objection to both the above mentioned notice and also any related application for an HMO licence.

The principal basis of my objection is that I have grave and well-founded concerns that Mr Stewart will not take appropriate steps to ensure that the property is properly managed should he get his licence; this based on recent experience.

By means of background, No 26 has been let out for several years (by my best recollections, since the mid-1990s).

For the majority of this time, the property has been let to sole tenants; either couples or families. During this time, there has been little trouble to speak of, with the various tenants taking responsibility for the entire premises, including external areas.

However, over the last 3-4 years, the property has been let out on a shared basis, to at least 2 or more parties – usually young men in their 20s and 30s. Over the same period, there has been a significant deterioration in the upkeep of the property (particularly those areas that might be considered as common areas) and a number of concerning management issues have arisen.

These have included:-

D

- Sporadic noise disturbance emanating from the property, which I have assumed is a result of late night drinking and revelry.
- The grass and gardens being left to over-grow, with little if any gardening being undertaken.
- Last year, significant amounts of household and other refuse being dumped in the back garden and left for 6-8 weeks to build up. This refuse inevitably tipped over in the wind and was scattered around both the garden of No 26 and my own garden. On this occasion, I had to enlist the help of a neighbour in order to deal with the issue. Items left dumped included soiled bedding.
- Again last year, the property being left unlocked and unattended resulting in a significant security and potential fire safety risk. Again, I had to enlist the help of a neighbour to check the property and secure it. During the inspection, the property was found to be in a very poor state of neglect.

Since letting out the premises, Mr Stewart has rarely if ever been around to manage or even monitor the state of the property or deal with issues as they arise. Up until 2 years ago, Mr Stewart enlisted the help of his late father to undertake works on an *ad hoc* basis. Mr Stewart senior was a very helpful man however sadly, he died about a year ago. For approximately 2 years, it has been clear that there has been no management regime in place whatsoever.

I should add that I have had had no means of contacting Mr Stewart until approximately 1 year ago, when he provided me with his mobile telephone number on my request.

Over the last 2 years, my enjoyment of my own property has been significantly affected to the point where I now wish I had moved out before the property became multi-let. I am in my 70s and a widow. I do not have the confidence nor the energy required to deal with the future mis-management of the property nor any tenant issues as they arises. That said, I do not wish to be forced to move out of the home that I have lived in for most of my married life and in which I have brought up my children.

Going forwards, I am deeply concerned that if the HMO Licence is granted, the property will continue in a downward spiral of neglect, which will affect the quiet enjoyment of my house and ultimately my well-being. If this is the case then I will have to move.

D

I wish no ill to Mr Stewart, however I find myself in the position where I must object in the strongest possible terms to him being granted an HMO licence.

Turning to the matter of the notice, I am of the opinion that Mr Stewart has not followed the due process laid down in the Council's Guidance to Applicants. The Guidance clearly states that the applicant "must display it in a public place outside (the) property in a position, where it is capable of being easily read by all neighbours and passers-by. This Notice must remain on display for 21 days starting on the day you submit your HMO application and fee".

It is clear that the notice cannot be easily read. It is fixed in a position where it can only really be noticed (not read) by those on the opposite side of the street or those passing by in a vehicle. It is not readily noticeable to immediate neighbours or those passing by on the pavement.

Moreover, as of yesterday morning, I understand that no application has been received. Mr Stewart has therefore not complied with the requirement to display it for 21 days starting on the day he submitted the application.

Finally, water has got into the plastic cover of the notice and some of the Council's contact information has become illegible, specifically the contact email address for queries.

I appreciate that the issues surrounding the notice do not in themselves provide grounds for objection to the application, however, I would ask the Council to take consideration of the above and confirm whether or not the notice is indeed competent.

I trust that the above letter clearly states my objection to the HMO application and I look forward to receiving the Council's acknowledgement in writing that they have safely received this letter within the prescribed timescales and a response, once they have had time to consider the contents of this letter and other objections that may have been received.

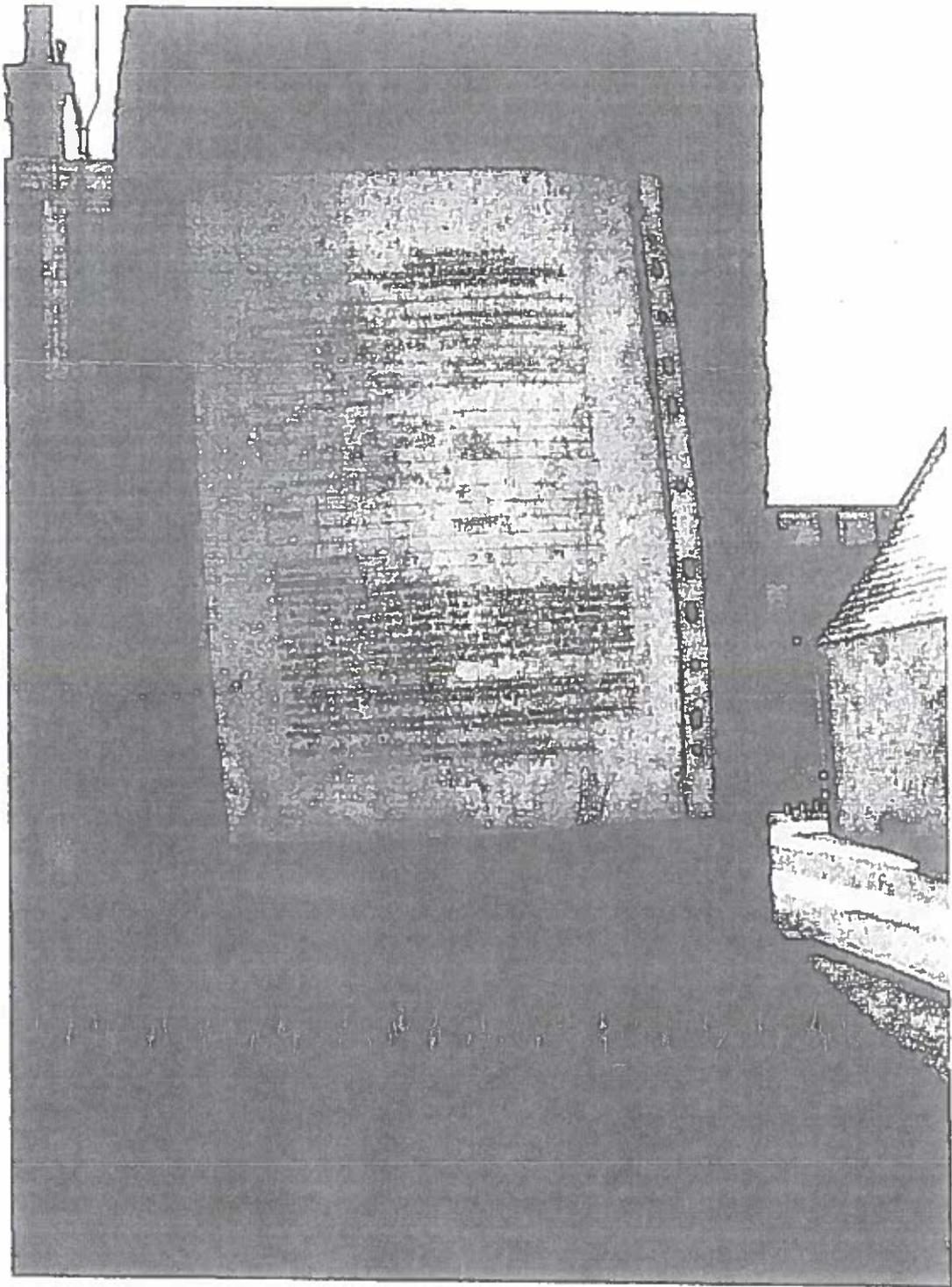
Finally, I have copied this letter into my son Graeme Davies, who has full authority to act on my behalf in this matter as required.

110

Yours faithfully

Mrs Cecilia Davies

11D



Notice displayed on tree facing on to roadway

D

**STATEMENT OF REASONS for the grant of an application for renewal of a licence for a house in multiple occupation**

On the 18<sup>th</sup> July 2016 Aberdeen City Council ("the Committee) granted an application by Mr. James A. Stewart ("the applicant") for a licence for a house in multiple occupation in respect of premises at 26 Balmoral Road, Aberdeen ("the premises").

Background

1. The applicant made an application for the grant of an HMO licence in respect of the premises. The application was received by the HMO Unit of Aberdeen City Council on 19<sup>th</sup> October 2015.
2. The Committee received six letters of representation. The letters received were written on and by the following: 5<sup>th</sup> October 2015, Robert and Helen Gill ("appendix B"), undated, David J. McCormac ("appendix C"), undated, A. Massie ("appendix D"), 12<sup>th</sup> October 2015 Mrs. C. Tough ("appendix E"), 12<sup>th</sup> October 2015, Mrs. Cecelia Davies ("appendix F), 15<sup>th</sup> October 2015 Alastair and Margaret King ("appendix G).
3. The Committee considered the application at its meeting on 19<sup>th</sup> January 2016. Mr. James A. Stewart ("the applicant") was present at the meeting. The writers of the representation letters, Mr and Mrs Gill, Mr. McCormac, Mrs Tough, Mrs Davies, her representative, Graham Davies and Mrs. King also representing Mr. King, were all present at the meeting.
4. The Committee had before it a report from Ally Thain, Private Sector Housing Manager ("appendix A"). Mr Thain was present.
5. Mr and Mrs Gill addressed the Committee on their letter of objection. Their submissions can be summarised as follows: - They submitted that the change of use of the property from domestic to commercial was inappropriate for the area. The displayed notice was sited incorrectly in the first instance and was the means by which they became aware of the application. Legal advice was given to the committee that change of use was a consideration for planning. Ally Thain advised that planning permission is not required for three person accommodation. Ally Thain also addressed the issue of the notice with reference to his report and confirmed it had been displayed correctly for the legally required period. Specifically, from 27<sup>th</sup> September 2015 to 18<sup>th</sup> October 2015. Mr Gill further commented upon the inadequate parking within the area.
6. Mr. McCormac addressed the Committee on his letter of objection. He submitted that he had no idea that it was only for three people and that it would have been best if the applicant has advised them of this. He submitted that the granting of the application would set a precedent. Councillor Cormie asked if he had known that it was three person would that have made a difference. Mr. McCormac advised that he would probably still have objected. Councillor Crocket asked if it was for three rooms or three people. Ally Thain answered that it was for three persons.
7. Mrs. Davies son, Graham Davies addressed the Committee on his mother's behalf. The submissions can be summarised as follows:- She is an adjoining neighbour. Her concerns related to the maintenance of the property. It was previously let out to sole tenants and families with little trouble. Over the last few years it has been rented to young men in their twenties and this resulted in deterioration of the property, noise disturbance, overgrown garden and refuse in the garden. His mother is concerned that the applicant lives out with Aberdeen. Councillor Copeland asked if Mrs. Davies would have any reason to contact the applicant. Mr. Davies advised probably only when the property is left unsecure but his mum is a non-confrontational person.
8. Mrs. King addressed the Committee on behalf of herself and her husband. Mr. King was not present. Their position can be summarised as follows:- She advised that if the application was granted it would set a precedent. She commented that she was anxious about drainage and

that the property had not been maintained to the previous standard when it was let out to young men in their twenties.

9. Mrs. Tough advised the Committee she had nothing to add to what she had written in her letter of representation and that had already been stated by the other representatives.
10. The applicant addressed the Committee on the application and was asked questions from Members: His submissions can be summarised as follows: - the property had been let for around twenty years. The applicant has a HMO licence in Rosemount Place and has received no negative feedback. He has also engaged Bain Estate Agency to manage the property and confirmed that he would provide his neighbours with the property agents contact details as well as his own if required. With regard to the concerns regarding the garden, he confirmed that he had enlisted the use of Mrs. Davies' gardener and also the estate agents now provide this service. It was noted that there had been reference to the potential for noise nuisance however the applicant confirmed the tenancy agreement would contain the appropriate terms to allow action to be taken in the event of antisocial behaviour.

#### Decision

11. The Committee unanimously agreed to defer consideration of the application until the works were completed, after which time the Private Sector Housing Manager could grant the application under delegated powers if appropriate. The application was subsequently granted on 18 July 2016.

#### Reasons for the decision

10. The Committee determined the application having regard to the report from Mr Thain, the written representations from those named at paragraph 2 and the verbal submissions made by those present at the meeting. The Committee was satisfied having regard to all of the available evidence that there was sufficient information and material upon which to reach a fair determination of the application.
11. The Committee was aware that in terms of section 130 of the Housing (Scotland) Act 2006 it must refuse to grant an HMO licence if it considered that the applicant is not a fit and proper person to be authorised to permit persons to occupy living accommodation as an HMO. The Committee noted that the Chief Constable had been consulted on the application and had made no comment.
12. Accordingly the Committee considered on the basis of the evidence before it that the applicant was a fit and proper person to hold an HMO licence.
13. The Committee also considered under section 131 of the Act whether the living accommodation concerned was suitable for occupation as an HMO.
14. The Committee was aware that the Scottish Fire and Rescue Service had been consulted regarding the application and had made no comment. The Committee was also aware that officers from the HMO unit would carry out a final inspection of the property to ensure that it complied with HMO requirements prior to the granting of the licence.
15. The Committee noted the objectors concerns regarding the garden. However the Committee had been given assurance by the applicant that the management of the property would be undertaken by the appointed estate agency. The Committee was given further comfort by the fact that the applicant confirmed he had no difficulty with providing contact details for himself and the property agent should any problems arise. They also noted that there would be provisions to take appropriate action in the event of any anti-social behaviour by tenants. The Committee was confident that these mitigating factors would alleviate any concerns expressed in the letter of objection regarding the upkeep of the garden and the behaviour of any tenants.

D

- 16 The Committee was aware that the letters of objection had also raised issues of parking at the address however Members were aware that parking was not an issue that should be taken into account in their determination of the application before them.
- 17 The Committee was therefore satisfied, on the basis of the evidence before it and subject to the final inspection by officers from the HMO Unit, that the property was suitable for occupation as an HMO.
- 18 The application was therefore granted for the above reasons.

Signed

**Suzanne Claire Douglas**  
Solicitor  
Litigation and Licensing Team

10<sup>th</sup> August 2016

D

BACK  
OF  
HOUSE  
(ADJOINING  
MY HOUSE)

---



BACK  
OF  
HOUSE  
(ADJOINING  
MY HOUSE)

---



D

BACK  
OF  
HOUSE  
(NEXT  
TO MY  
HOUSE)

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FRONT  
GARDEN

---



D

BACK  
GARDEN



FRONT  
OF  
HOUSE



D

SHED  
DOOR



BACK  
OF  
HOUSE



## LICENSING COMMITTEE INFORMATION SHEET

29 OCTOBER 2019

**TYPE OF APPLICATION:** HMO LICENCE APPLICATION (RENEWAL)

**APPLICANT:** DOUGLAS FARQUHAR

**AGENT:** JOHN V. CARROLL

**ADDRESS:** 456A GREAT WESTERN ROAD, ABERDEEN (FLAT 6)

### INFORMATION NOTE

This HMO licence application is on the agenda of the Licensing Committee for the reason that one letter of representation/objection was submitted to the HMO Unit within the statutory 21-day 'Notice' period, therefore the Committee is obliged to consider it.

If, after consideration of the representation/objection, the Committee is minded to grant the HMO licence it must do so under delegated powers following completion of the HMO Officer's requirements.

### DESCRIPTION

The premises at Flat 6, 456A Great Western Road, Aberdeen, is a to-floor flat providing accommodation of 3 letting bedrooms, one public room, one kitchen and one bathroom. The applicant wishes to accommodate a maximum of 3 tenants, which is acceptable to the HMO Unit in terms of space & layout. The location of the premises is shown on the plan attached as Appendix A.

At the date of drafting this Information Note, the HMO Officer has already carried out an initial inspection of the premises and identified several works & certification requirements needed to bring the accommodation up to the current HMO standard. These requirements have not yet been completed.

### CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- A public Notice of HMO Application was displayed outside the building for the 21-day statutory period, alerting the general public to the HMO licence application.

### REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- General public – one letter of representation/objection received within the statutory 21-day 'Notice' period (Attached as Appendix B).
- Licence-applicant – one e-mail & attachments from the agent on behalf of the applicant in response to the letter of representation/objection (Attached as Appendix C)

## COMMITTEE GUIDELINES/POLICY

All applications for HMO licences are dealt with in accordance with the Scottish Government's document:  
*'Licensing of Houses in Multiple Occupation: Statutory Guidance for Scottish Local Authorities'*

## GROUNDINGS FOR REFUSAL

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

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

## OTHER CONSIDERATIONS

- Police Scotland was consulted in respect of the applicant's suitability as a 'fit & proper' person, and made no comment or objection.
- The Scottish Fire & Rescue Service was consulted in respect of the suitability of the premises as an HMO, and made no comment or objection.
- The applicant is registered as a landlord with this Council and the registration includes No.456A Great Western Road, and 2 other rental properties.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of Flat 6, 456A Great Western Road.
- The application under consideration is to renew an existing HMO licence which the applicant has held since June 2016.
- The letter of representation/objection refers to a condition contained within the Title Deeds for the flats in No.456A Great Western Road, restricting occupation of each flat to no more than one family. The objector is therefore arguing that by allowing persons from 3 different families to occupy Flat 6 breaches the Title Deed Conditions. This may be the case, however it is not one of the above-mentioned statutory grounds of refusal and over the years the Committee has consistently refused to consider such objections.

- The letter of representation/objection refers to car parking, however car parking is not a consideration of HMO licensing inasmuch as it is not mentioned in the statutory HMO guidance.
- The letter of representation/objection mentions "*my original objections in 2016*". The objector is referring to the first application for an HMO licence for the property which was submitted to the Council in April 2016. The objector submitted a letter of representation/objection which was considered by the Licensing Committee in August 2016, however the Committee resolved to grant an HMO licence for the maximum 3-year period.
- The letter of representation/objection refers to the introduction of "*carpet to the main living areas in Flat 6.*" This matter was first raised as a result of the licence application being considered by the Licensing Committee, and resulted in the agent entering into a formal agreement with the objector to lay carpet/underlay in the livingroom in Flat 6. (See the letter exchange between the agent and the objector's Solicitor in Appendix C).



30m

392,002.478 804,814.294 Meters

B

30<sup>th</sup> August 2019

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

Aberdeen City Council
Housing & Environment
DATE RECEIVED 02 SEP 2019
Private Sector Housing Unit

Dear Sir/Madam

**Objection to Renewal of HMO Licence at Flat 6, 456A Great Western Road**

I wish to lodge an objection to the renewal of the HMO licence at the above address.

New information has come to light since I made my original objections in 2016. After the HMO licence was granted, I made further enquiries to obtain a copy of the Title Conditions.

I now have a copy of the Land Certificate for the flat which contains conditions by Headland Properties when the flat was first sold in 1985. These contain a condition that the flat is **not to be occupied by more than one family.**

Having the flat as an HMO with individuals from more than one family is in breach of this Condition and I would therefore like to object to the renewal of the licence on this basis.

In addition, I wish to add the following objections:

1. I viewed and chose the flat in 2008 because it was in a quiet, secluded development in a residential area with all six flats owner-occupied. The owners were all of a settled age and lifestyle. As I was then retiring it was an ideal location. An HMO completely changes the character of this small development and is therefore out of place.
2. The security of the building is also important to me. The stable occupancy of the other flats when I moved-in limited the number of people with access to the flats and there was little risk of unknown persons entering the building. This is not the case with an HMO because in the case of this property, three potentially unrelated adults all have their individual relatives and friends who will have access.

3. These flats were originally sold as two bedrooms with a study. They were never intended to be three-bedroom flats. Since the flats were built in 1985 there have never been three adults living in any of the flats.

4. There is one parking space allocated to each flat. There are no visitors' parking spaces and no local parking in the vicinity. An HMO introduces the risk of additional vehicles, not to mention visitors, for which there is no space. There is limited communal/turning space, and this would be required for emergency vehicles to utilise.

5. There is the noise element of there being three adults in the HMO in Flat 6 which impacts principally on me in the flat below. The ceilings are very low at 2.87 m and the soundproofing between the flats is inadequate. Young people are boisterous and energetic by nature and I am frequently disturbed by thumping and other noises. This makes it very difficult for me to relax in my own home where I had expected to have a quiet retirement.

The agent did attempt to ameliorate this situation somewhat by introducing carpet to the main living areas in Flat 6. However, the footfall has nonetheless resulted in creaking floorboards in the areas of heavy use due to the number of adults moving around in the property. My view is that having three lively adults in Flat 6 is a level of occupancy for which these flats were not designed.

I hope you will seriously consider the points I have made in this letter of objection which are of great concern to me. Overall, I believe that 456A Great Western Road is not a suitable location for an HMO flat.

Yours faithfully



Frances Wilson

**Ally Thain**

---

C

**From:** John Carroll >  
**Sent:** 09 October 2019 14:43  
**To:** Ally Thain  
**Cc:** Ross Clarihew  
**Subject:** HMO License- Flat 6 , 456a Great Western Road, Aberdeen  
**Attachments:** Flat 6, 456a Gt Western (copies of letters with Connons).pdf

Hi Ally,

In response to our email 3<sup>rd</sup> September 2019, and the enclosed letter of objection to the above HMO License application. I can confirm that we will be in attendance and submit the following information in response to Frances Wilson letter of objections:-

Please find attached a letter received from Connons Solicitor dated 6<sup>th</sup> September 2016 representing Frances Wilson and our response dated 12<sup>th</sup> Sept. Further letter from said Solicitor dated 16<sup>th</sup> September confirming her stance concerning the title condition that she has referred to in the letter of objection, together with our response dated 26<sup>th</sup> Sept.

Finally I can confirm that we have received no complaints from Frances Wilson during the past three years, concerning noise or any other form of Antisocial Behaviour. To the contrary our tenants when asked have confirmed that they have enjoyed a good relationship with the other owners and tenants in the building, including Frances Wilson.

Kind Regards

John  
**John Carroll MCIAT**  
Chartered Architectural Technologist



**J V CARROLL**  
Chartered Architectural Technologist  
Building Design Consultants

Inverden House, Queens Lane North, Aberdeen AB15 4DF  
T: +44(0)1224 643106 F: +44(0)1224 649996  
E: [info@jvcarroll.co.uk](mailto:info@jvcarroll.co.uk) W: [www.jvcarroll.co.uk](http://www.jvcarroll.co.uk)



SOLICITORS AND ESTATE AGENTS

John V. Carroll  
Inverden House  
Queens Lane North  
Aberdeen  
AB15 4DF

Date: 6 September 2016  
Our Ref:  
Your Ref:

Dear Sir

**Mrs Frances Wilson**  
Application for a Licence to operate a House in Multiple Occupation (HMO) at Flat 6, 456A  
Great Western Road, Aberdeen  
Douglas Farquhar (Applicant and "Your Client")

We act for Mrs Wilson and note that the above HMO application was approved on 23<sup>rd</sup> August 2016.

At the request of our client, we have reviewed the Land Certificate for the properties in question which contains conditions by Headland Properties when the whole of the premises was first sold in 1985. We note that these contain a condition that the properties are not to be occupied by more than one family.

In view of this, if following receipt of the licence approval your client proceeds with multiple occupation in his property of persons from different families he will be in breach of this title condition.

You have previously been made aware of our client's concerns over the potential for increased disturbance and noise that might occur from multiple individuals in the property therefore compliance with this condition is important to our client to ensure that disturbance and noise in the property are unaffected and that the quiet enjoyment of her property can be assured.

Our client has however advised that if her concerns are dealt with formally and adequately, she would be less inclined to pursue your client for this breach of the condition.

Therefore, please could you confirm:

1. Whether the proposed tenants are from the same family or separate families? and;
2. If they are from separate families, that your client will properly address our client's concerns about the potential for increased disturbance and noise.

In/

In relation to point 2., Our client advises that informal discussions took place concerning the floor coverings and that in a letter dated 24<sup>th</sup> August 2016 to our Client, you have subsequently confirmed that your client has made a "goodwill gesture" to lay a rug. Laying of a rug would be an inadequate remedy as our client has no control over the size and type of rug that might be laid, the positioning of the rug, nor over ensuring that your client's tenants keep such an item in place.

Therefore a binding agreement with an agreed implementation deadline is required whereby your client agrees to deal with the concerns by covering the laminated flooring in the main living room with good quality fixed carpet and underlay and to agree to keep it in place for the duration of the HMO licence.

In addition to the above, please could you also advise when the information required by Condition LC10 of the Conditions Applicable to a House in Multiple Occupation Licence Part 5 of Housing (Scotland) Act 2006, will be satisfied by your client?

Yours faithfully

11

12<sup>th</sup> September 2016

Connors  
Solicitors  
50 Allardice Street  
Stonehaven  
AB39 2RA

Dear Sir

Mrs Frances Wilson -  
HMO Licence - Flat 6, 456a Great Western Road, Aberdeen  
Douglas Farquhar

We acknowledge receipt of your letter dated 6<sup>th</sup> September 2016 and note the contents. We have had an opportunity to discuss with our client your client's continuing concern over the laminated floors in our clients lounge.

Our client has agreed to cover the main living room area with a good quality carpet and underlay and agrees to keep same in place for the duration of the HMO Licence. This carpet will be placed on order immediately on your client's acceptance of this as a binding agreement, and will be laid within 14 days of this agreement, if not sooner.

On the Condition LC10 of the Conditions Applicable to HMO Licence Part 5 of Housing (Scotland) Act 2006, we are the principal contact in the event of an emergency or with non-urgent complaints. Out of office our mobile numbers are

We trust that this meets your clients requirement and look forward to receiving your agreement by return.

Yours Faithfully

J. V. Carroll MC1AT

'c'

**Connors**  
OF STONEHAVEN

SOLICITORS AND ESTATE AGENTS

J. V. Carroll  
Inverden House  
Queens Lane North  
Aberdeen  
AB15 4DF

Date: 16 September 2016  
Our Ref:  
Your Ref:

Dear Sirs

Mrs Frances Wilson  
HMO Licence – Flat 6, 456a Great Western Road, Aberdeen  
Douglas Farquhar

We thank you for your letter of 12 September and note your client will cover the main living room floor with a good quality carpet and underlay and keep the same in place for the duration of the HMO Licence. Our client confirms her agreement to this and that she will not take any steps regarding the breach of the Title Condition for the duration of the HMO Licence.

She has asked us to send the attached Conditions and to point out that Condition LC10 states that the licence holder must provide adjoining neighbours with details of how they can contact him and his Agent in an emergency, or with non-urgent complaints. You would therefore need to provide our client with Mr Farquhar's contact details also.

Yours faithfully

Enc



50 Allardice Street, Stonehaven, Kincardineshire AB39 2RA  
Tel: (01569) 762971  
Fax: (01569) 764125 • IP1 Stonehaven • PX 521027  
E-Mail: [office@connors.co.uk](mailto:office@connors.co.uk) • [www.connors.co.uk](http://www.connors.co.uk)

ic

26<sup>th</sup> September 2016

Connors  
Solicitors  
50 Allardice Street  
Stonehaven  
AB39 2RA

Dear Sirs

Mrs Frances Wilson  
HMO Licence - Flat 6, 456a Great Western Road, Aberdeen  
Douglas Farquhar

We hereby acknowledge receipt of your letter dated 16<sup>th</sup> September 2016 and confirm that the carpet to the living room has been contracted to be laid on 29<sup>th</sup> September 2016.

Our client works extensively abroad

The HMO Unit at Aberdeen City Council have advised that they are satisfied, that we have complied with Condition LC10, by given your client our contact details and emergency mobile number. The purpose of the condition being that you are able to contact someone in an emergency.

Our client however has consented to providing your client with his contact telephone number, which is could your client wish to discuss any matters pertaining to the property he would welcome her call.

Yours Faithfully

J. V. Carroll MCIAT

## LICENSING COMMITTEE INFORMATION SHEET 29 OCTOBER 2019

**TYPE OF APPLICATION:** HMO LICENCE APPLICATION (NEW)

**APPLICANT:** 5ROOMS LTD

**AGENT:** BRENDAN POWER

**ADDRESS:** 130 GREAT NORTHERN ROAD, ABERDEEN

### INFORMATION NOTE

This HMO licence application is on the agenda of the Licensing Committee for the reason that one letter of representation/objection was submitted to the HMO Unit within the statutory 21-day 'Notice' period, therefore the Committee is obliged to consider it.

If, after consideration of the representation/objection, the Committee is minded to grant the HMO licence, it may do so as all work and certification requirements have been satisfactorily completed.

### DESCRIPTION

The premises at No.130 Great Northern Road, Aberdeen, is a semi-detached house on 2 stories with a basement. The accommodation within the flat comprises of 5 letting bedrooms (3 en-suite), one communal bathroom and a kitchen/dining/lounge area. The applicant wishes to accommodate a maximum of 5 tenants, which is acceptable to the HMO Unit in terms of space & layout. The location of the premises is shown on the plan attached as Appendix A.

### CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- A public Notice of HMO Application was displayed outside the building for the 21-day statutory period, alerting the general public to the HMO licence application.

### REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- General public – one letter of representation/objection received within the statutory 21-day 'Notice' period (Attached as Appendix B).
- Licence-applicant – one letter from the licence-applicant in response to the letter of representation/objection (Attached as Appendix C)

## COMMITTEE GUIDELINES/POLICY

All applications for HMO licences are dealt with in accordance with the Scottish Government's document:  
*'Licensing of Houses in Multiple Occupation: Statutory Guidance for Scottish Local Authorities'*

## GROUNDS FOR REFUSAL

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

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

## OTHER CONSIDERATIONS

- Police Scotland was consulted in respect of the applicant's suitability as a 'fit & proper' person, and made no comment or objection.
- The Scottish Fire & Rescue Service was consulted in respect of the suitability of the premises as an HMO, and made no comment or objection.
- The applicant is registered as a landlord with this Council and the registration includes No.130 Great Northern Road, and 2 other rental properties.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.130 Great Northern Road.
- The property at No.130 Great Northern Road, recently changed ownership and the applicant is applying for an HMO licence for the first-time. The previous owners, however, held an HMO licence for the property.
- The letter of representation/objection mentions "*far too much HMO properties in this area of Great Northern Road*". Whilst 'HMO Overprovision' is a statutory ground of refusal, this Council has not adopted an overprovision policy and therefore cannot refuse an HMO licence application on this particular ground.

- The letter of representation/objection mentions that '*parking here is a problem*'. Car parking is not a consideration of HMO licensing inasmuch as it is not mentioned in the statutory HMO guidance



# Housing Web Map Application

Portal for ArcGIS



10m

393,000.230 808,507.241 Meters

'B'

28<sup>th</sup> 08<sup>th</sup> 19 Aberdeen City Council  
Housing & Environment  
DATE RECEIVED  
29 AUG 2019  
Private Sector Housing Unit

JAMES SHAND

DEAR SIR & MADAM

I WRITE TO INFORM  
YOU OF MY OBJECTION TO PLANNING  
PERMISSION TO CONVERT 130 GREAT  
NORTHERN ROAD WOODSIDE ABERDEEN  
By. HOUS 136741550, 5 ROOMS  
LTO.

THERE ARE IN MY OPINION, FAR TO  
MUCH, HMO, PROPERTIES IN THIS  
AREA. OF GREAT NORTHERN ROAD  
THERE ARE FOUR HMO HOUSES THAT  
I KNOW OF. WE DON'T NEED ANYMORE  
PARTING HERE IS A PROBLEM, THIS  
WOULD MAKE IT WORSE.

C

25<sup>th</sup> September 2019

Aberdeen City Council  
Private Sector Housing Unit  
Business Hub 1  
Early Intervention & Community Empowerment  
Customer Marischal Collaage  
Lower Ground Floor West  
Broad Street  
Aberdeen AB10 1AB

HMO Application for 130 Great Northern Road, Aberdeen AB24 2BE

Dear Mr Ally Thain

I am the owner and applicant for the above property. I write to you in response to an objection, received on 28<sup>th</sup> August 2019, to my recent HMO application from Mr J Shand. I wish to clarify my position and support my application.

I have purchased this property with the view to provide high quality accommodation and bring a high level of service to my tenants. In turn this is reflected in my tenant's behaviour and is typically one of mutual respect for the property and surrounding neighbours. I have been a landlord for over 7 years now and never had a complaint from tenants or about my tenants.

With regards to the specifics in the objection letter, Mr Shand mentions that there are too many HMO's in the area. This property was already a registered HMO for a number of years. As such I will not be increasing the number of HMO's in the area.

Mr Shand's second point mentions of issues with parking in the area. My property has 2 spaces for cars to be parked off-street. My current tenants typically have walkable commutes and the location is well served by bus routes. Any issues with overcrowded parking are not from my current tenants.

My property is managed locally and maintenance is provided by local companies such that any matters can be dealt with in a timely and effective manner. I have ensured that the building and grounds are kept well maintained and I pride myself on being a proactive and socially considerate landlord. As such I will be attending the Licencing Committee meeting on 29<sup>th</sup> October 2019 in person. If there is anything I can do or to demonstrate further compliance please contact me at your earliest convenience.

I thank you for your time.

Yours sincerely,



Mr Alexander Chan  
Owner of 130 Great Northern Road, AB24 2BE

## LICENSING COMMITTEE INFORMATION SHEET

29 OCTOBER 2019

**TYPE OF APPLICATION:** HMO LICENCE APPLICATION (RENEWAL)  
**APPLICANT:** ANDREW BUCHAN  
**AGENT:** WINCHESTERS LETTINGS LTD  
**ADDRESS:** 225 UNION GROVE, ABERDEEN

### INFORMATION NOTE

This HMO licence application is on the agenda of the Licensing Committee for the reason that one letter of representation/objection was submitted to the HMO Unit within the statutory 21-day 'Notice' period, therefore the Committee is obliged to consider it.

If, after consideration of the representation/objection, the Committee is minded to grant the HMO licence it must do so under delegated powers following completion of the HMO Officer's requirements.

### DESCRIPTION

The premises at No.225 Union Grove, Aberdeen, is an upper floor maisonette flat providing accommodation of 5 letting bedrooms, 2 public rooms, 2 bathrooms and one kitchen. The applicant wishes to accommodate a maximum of 5 tenants, which is acceptable to the HMO Unit in terms of space & layout. The location of the premises is shown on the plan attached as Appendix A.

### CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- A public Notice of HMO Application was displayed outside the building for the 21-day statutory period, alerting the general public to the HMO licence application.

### REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- General public – one letter of representation/objection received within the statutory 21-day 'Notice' period (Attached as Appendix B).

### COMMITTEE GUIDELINES/POLICY

All applications for HMO licences are dealt with in accordance with the Scottish Government's document:  
*'Licensing of Houses in Multiple Occupation: Statutory Guidance for Scottish Local Authorities'*

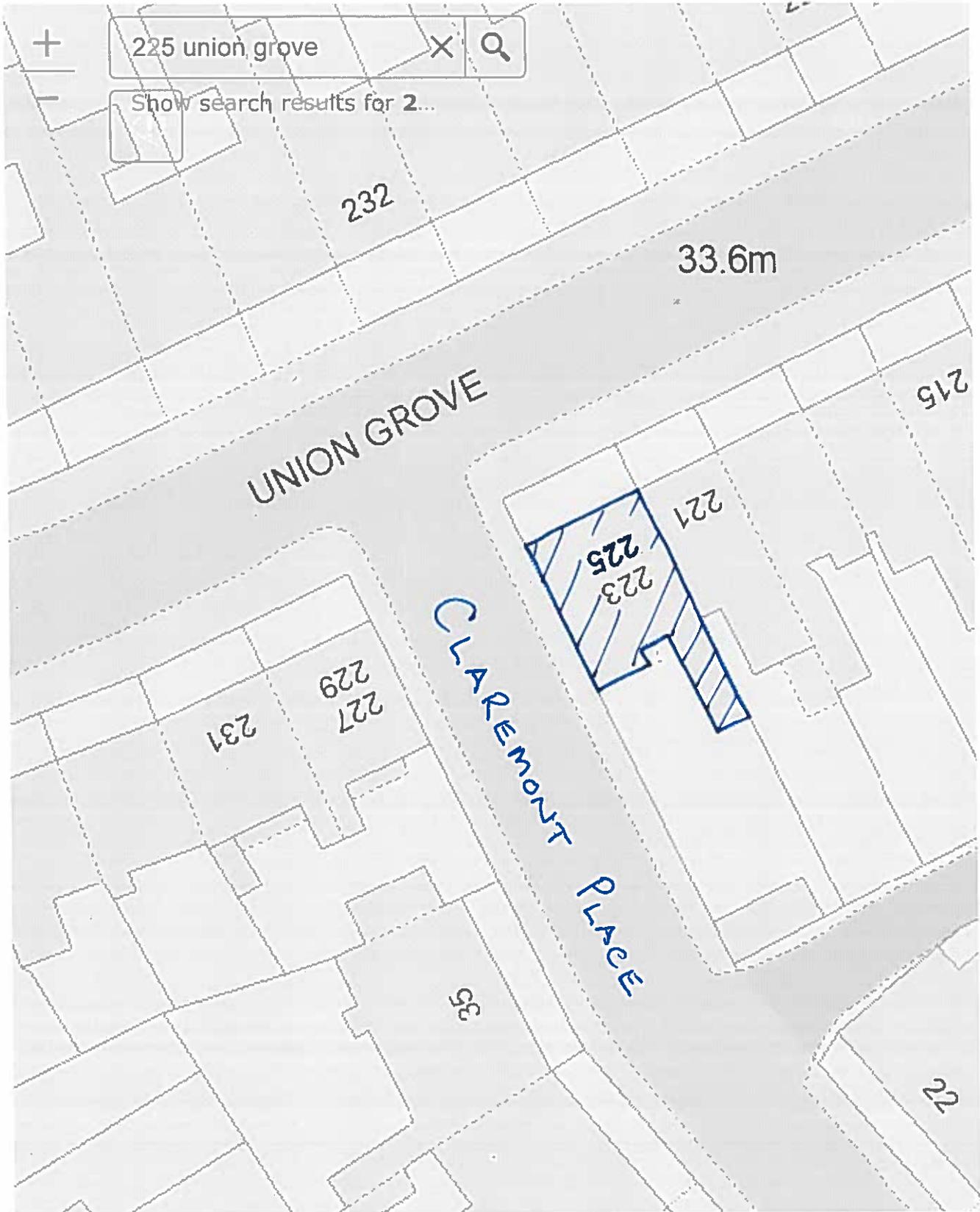
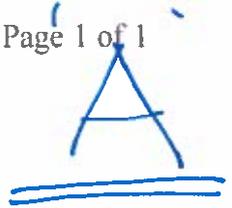
## GROUNDS FOR REFUSAL

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

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

## OTHER CONSIDERATIONS

- Police Scotland was consulted in respect of the applicant's suitability as a 'fit & proper' person, and made no comment or objection.
- The Scottish Fire & Rescue Service was consulted in respect of the suitability of the premises as an HMO, and made no comment or objection.
- The applicant is registered as a landlord with this Council and the registration includes No.225 Union Grove, and 10 other rental properties.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.225 Union Grove.
- The application under consideration is to renew an existing HMO licence which the applicant has held since 2015.
- The letter of representation/objection mentions the last time that the objector attended the Licensing Committee in connection with a previous HMO licence application for No.225 Union Grove. This Licensing Committee meeting was held in October 2018, to consider the HMO licence renewal application in light of a letter from the objector. The Committee resolved to grant the HMO licence under delegated powers for a restricted one-year period.
- The letter of representation/objection alleges non-compliance of Licensing Condition No.10, which is as follows:  
*"The licence-holder must provide adjoining neighbours with details of how they can contact him/her and his/her agent in an emergency, or with non-urgent complaints."*



392,630.510 805,475.778 Meters

B

5th September 2019

Dear Mr Yeats,

RE: 225 Union Grove, Aberdeen

I am writing this letter to you ahead of any applications for a House of Multiple Occupancy (HMO) for the above address, for which I have yet to see any notice posted.

About a year ago during the application for an HMO by the property owner, we raised an objection. We were then invited to put our points forward to the licensing panel. As the owner did not attend and could not counter our objections, it was decided that a probation period of 12 months would be put forward and the situation monitored.

In the past 12 months, we can report that no problems have occurred. It has to be said in response that the property has in the main been empty. When occupied, it seems to be short term leases and very small numbers of occupancy.

I would also like to raise the point that as per our letter last year, we still have had no correspondence to contact telephone numbers or address as per LC10 Housing Act (2006).

Regards,

Alex Macleod



## LICENSING COMMITTEE INFORMATION SHEET 29 OCTOBER 2019

**TYPE OF APPLICATION:** LATE HOURS CATERING EXEMPTION  
**APPLICANT:** MORRISONS DAILY PETROL FILLING STATION, 130 WEST NORTH STREET,

### INFORMATION NOTE

#### DESCRIPTION

Request to open the petrol filling station which features a convenience store element that sells food from 0530 to 00:30 on Saturday 21 December 2019 and Monday 23 December 2019.

The exemption is required for the hours 23:00 to 00:30.

#### CONSULTEES

- Police Scotland

#### OBJECTIONS/REPRESENTATIONS

None

#### LEGISLATION

A licensing authority may, on application made to them, exempt the use of premises requiring a late hours catering licence from the requirement to have such a licence—

(a) in respect of any particular occasion; or

(b) during a specified period not exceeding 2 months in any period of 12 months.

(6) The licensing authority may attach conditions to an exemption granted under subsection (5) above, and the provisions of Part I of this Act relating to the attaching of conditions to licences and subsection (3) above shall apply to the attaching of conditions to exemptions under this subsection.

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**GOSSCHALKS**  
SOLICITORS

Licensing, Legal Services  
Aberdeen City Council  
Business Hub 6 L1S  
Marischal College  
Aberdeen  
AB10 1AB

Please ask for: Clare Johnson  
Direct Tel: 01482 590243  
Email: mcj@gosschalks.co.uk  
Our ref: MCJ / VHT / 109500.10000  
#GS2801199  
Your ref:  
Date: 25 September 2019

Dear Sir/Madam,

**Re: Morrisons Daily Petrol Filling Station, 130 West North Street, Aberdeen, AB24 5AR  
Application for Exemption for Requirement of a Late Hours Catering Licence  
Section 42(5) Civic Government (Scotland) Act 1982  
Saturday 21 December 2019 and Monday 23 December 2019**

We act for Wm Morrison Supermarkets PLC who operate this petrol filling station which features a convenience store element that sells food.

Our client company is seeking to open this petrol filling station from 0530 to 0030 on Saturday 21 December 2019 and Monday 23 December 2019.

We would be grateful if you would accept this letter as an application for exemption from the need to hold a Late Hours Catering Licence for those dates under Section 42(5) Civic Government (Scotland) Act 1982.

If you require a formal application or fee then please do not hesitate to contact us.

We look forward to hearing from you.

Yours faithfully

*Gosschalks*

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## LICENSING COMMITTEE INFORMATION SHEET 29 OCTOBER 2019

**TYPE OF APPLICATION:** STREET TRADER (GRANT)  
**APPLICANT:** Roots Plant Based Catering

### INFORMATION NOTE

Application must be determined by 12 February 2019

There are currently 9 street traders licensed for Aberdeen Beach:  
4 Hot food vans/bus between Burger King – Footdee  
3 hot food vans on stretch between Boulevard and Donmouth area.  
1 street artist located at Footdee area  
1 hot food van located at Donmouth end of the beach.

Application is for the Beach Esplanade east side, 86m north of New Pier Road and Beach Esplanade east side, 73m South of Links Road.

The applicant will trade in hot food specifically vegan hot and cold food.

These sites are currently in operation by another licence holder and will be surrendered by the licence holder upon grant of this licence.

### DESCRIPTION

Application for Street Trader Licence

### CONSULTEES

- Police Scotland
- EH
- Ward Councillors

### OBJECTIONS/REPRESENTATIONS

Community Council

### 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.**



Application Reference Number:

*(Unknown / Not Provided to Community Council)*

Address for Application:

Aberdeen Beach Esplanade Aberdeen

Details of Proposed Application:

'Roots Plant Based Catering', *Street Trader License*

**Community Council Response:**

**The Community Council does not support this application.**

-

Location and Environment:

- Concern of location of the proposed application.

The Aberdeen Beach is a treasured natural asset, and there is concern that the presence of any and what would now be more mobile cafes could have a detrimental effect upon this natural asset, from the waste and disposal that will result from the presence of another food van.

- Concern of positioning very close to busy roads and heavily used Boulevard with heavy and frequent traffic.

The Beach Boulevard road can experience period of high, heavy and frequent use by motor vehicles, and there is concern that the placement of another food van could lead to the risk of a possible road accident, injury or worse.

Similarly, there is strong concern over the impact upon nearby *air quality* that could be created by running generators, that many of the current food vans in the area operate throughout the day.

Since there has been very little information received in the Application, we have to take the side of caution in the presumption that this application seeks to operate utilising similar generators with detrimental impact of emissions on both the *health of breathing of passers by* and upon *the surrounding environment*.

Provision:

- There are reports from residents nearby the Beach Boulevard, including the Fittie village that there are already up to 3 Mobile / Outdoor Cafes in operation along the Beach Boulevard stretch of road.

There is concern that this application would constitute an over-provision within a geographical radius of the same types, and could in turn create precedent for even further Mobile / Outdoor Cafes taking position in the area.

Management of Tourism:

For some time, there have been strong concerns reported from communities nearby the Beach Boulevard, and in particular from residents in the Fittie Village as to the vast increase in tourism to that side of the Beach, and the detrimental impact this can have upon the everyday lives of residents when it is not adequately managed.

Concerns reported include:

- Setting foot / trespassing on private gardens and spaces
- Urinating in public parking spaces
- Photographs taken of residents when in public, including of young children
- Photographs taken of residents, in their home settings
- Trying and opening of doors, and walking into private homes
- Car parking in 'Access Only' areas
- Coaches taking up space on pavements which can make access for residents difficult to impossible, both by car and on foot

Local Business and Economic Strategy:

The Community Council recognises that 'Food & Drink' and 'Tourism / Leisure Industry' is an identified theme for development as part of Aberdeen City Council's Economic Strategy and the 'Regional Economic Strategy'.

We support the concept of a greater emphasis on and encouragement of cafe culture and outdoor seating in Aberdeen, and in particular in and around the City Centre.

In particular, we welcome the unique offering of this application, in that it seeks to provide Plant-Based food offering in the area.

However, there is also a strong and serious concern that continues to come forward from many in our community over how this is being managed and conducted.

While we welcome a vibrant food and drink community, and wish to see continued support for locally based entrepreneurship, we believe that this should take the form of a variety of opportunities, which could be more considerate of community and environmental needs as compared to the detrimental impact reported by the presence of the food trucks & vans.

Further Information:

If there are any aspects of this response which are not considered to fall within 'Material Considerations' as defined, we encourage and request this further information to be shared with colleagues in the City Council, Community Planning Partnership, Visit Aberdeenshire and elsewhere.

While each application in its deliberation is to be decided on its merits, there must also be the ability for the wider context and impact upon communities to be taken into account.

-

## LICENSING COMMITTEE INFORMATION SHEET 29 OCTOBER 2019

**TYPE OF APPLICATION:** STREET TRADER (GRANT)  
**APPLICANT:** Clint Songbarani

### INFORMATION NOTE

Application must be determined by 16 March 2020

There are currently 9 street traders licensed for Aberdeen Beach:  
4 Hot food vans/bus between Burger King – Footdee  
3 hot food vans on stretch between Boulevard and Donmouth area.  
1 street artist located at Footdee area  
1 hot food van located at Donmouth end of the beach.

Application is for the Beach Boulevard Retail Park – South Car Park. The applicant has permission from the landowner.

The applicant will trade in hot food.

### DESCRIPTION

Application for Street Trader Licence

### CONSULTEES

- Police Scotland
- EH
- Ward Councillors

### OBJECTIONS/REPRESENTATIONS

Community Council

### COMMITTEE GUIDELINES/POLICY

N/A

### 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.**



Application Reference Number:

*(Unknown / Not Provided to Community Council)*

Address for Application:

Aberdeen Beach Esplanade Aberdeen

Details of Proposed Application:

'Clint Sangbarani, White Van, Hot Food', *Street Trader License*

**Community Council Response:**

**The Community Council does not support this application.**

-

Location and Environment:

- Concern of location of the proposed application.

The Aberdeen Beach is a treasured natural asset, and there is concern that the presence of any and what would now be more mobile cafes could have a detrimental effect upon this natural asset, from the waste and disposal that will result from the presence of another food van.

- Concern of positioning very close to busy roads and heavily used Boulevard with heavy and frequent traffic.

The Beach Boulevard road can experience period of high, heavy and frequent use by motor vehicles, and there is concern that the placement of another food van so close this road could lead to the risk of a possible road accident, injury or worse.

Similarly, there is strong concern over the impact upon nearby *air quality* that could be created by running generators, that many of the current food vans in the area operate throughout the day.

Since there has been very little information received in the Application, we have to take the side of caution in the presumption that this application seeks to operate utilising similar generators with detrimental impact of emissions on both the *health of breathing of passers by* and upon *the surrounding environment*.

Provision:

- There are reports from residents nearby the Beach Boulevard, including the Fittie village that there are already up to 3 Mobile / Outdoor Cafes in operation along the Beach Boulevard stretch of road.

There is concern that this application would constitute an over-provision within a geographical radius of the same types, and could in turn create precedent for even further Mobile / Outdoor Cafes taking position in the area.

Management of Tourism:

For some time, there have been strong concerns reported from communities nearby the Beach Boulevard, and in particular from residents in the Fittie Village as to the vast increase in tourism to that side of the Beach, and the detrimental impact this can have upon the everyday lives of residents when it is not adequately managed.

Concerns reported include:

- Setting foot / trespassing on private gardens and spaces
- Urinating in public parking spaces
- Photographs taken of residents when in public, including of young children
- Photographs taken of residents, in their home settings
- Trying and opening of doors, and walking into private homes
- Car parking in 'Access Only' areas
- Coaches taking up space on pavements which can made access for residents difficult to impossible, both by car and on foot

Local Business and Economic Strategy:

The Community Council recognises that 'Food & Drink' and 'Tourism / Leisure Industry' is an identified theme for development as part of Aberdeen City Council's Economic Strategy and the 'Regional Economic Strategy'.

We support of the concept of a greater emphasis on and encouragement of cafe culture and outdoor seating in Aberdeen, and in particular in and around the City Centre.

However, there is also a strong and serious concern that continues to come forward from many in our community over how this is being managed and conducted.

While we welcome a vibrant food and drink community, and wish to see continued support for locally based entrepreneurship, we believe that this should take the form of a variety of opportunities, which could be more considerate of community and environmental needs as compared to the detrimental impact reported by the presence of the food trucks & vans.

Further Information:

If there are any aspects of this response which are not considered to fall within 'Material Considerations' as defined, we encourage and request this further information to be shared with colleagues in the City Council, Community Planning Partnership, Visit Aberdeenshire and elsewhere.

While each applications in its deliberation is to be decided on its merits, there must also be the ability for the wider context and impact upon communities to be taken into account.

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## ABERDEEN CITY COUNCIL

<b>COMMITTEE</b>	Licensing Committee
<b>DATE</b>	29 October 2019
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Public Charitable Collection Policy Review
<b>REPORT NUMBER</b>	GOV/19/403
<b>DIRECTOR</b>	N/A
<b>CHIEF OFFICER</b>	Fraser Bell
<b>REPORT AUTHOR</b>	Lynn May
<b>TERMS OF REFERENCE</b>	7

### 1. PURPOSE OF REPORT

- 1.1 To review the current Public Charitable Collection Policy to ensure that it is still fit for purpose.

### 2. RECOMMENDATION(S)

That the Committee:-

- 2.1 Amend the policy to allow Street Collections to be permitted on any three days in a week, but not on consecutive days; and
- 2.2 Grant delegated powers to the Chief Officer – Governance to grant permission for collections to be conducted at organised events, on any day, where no representations are received.

### 3. BACKGROUND

- 3.1 The Licensing Committee at their meeting on 4 June 2019 considered applications for public charitable collections which were out with Aberdeen City Council's current policy. Arising from these, they agreed to instruct the Chief Officer – Governance to review the current Public Charitable Collection Policy to ensure that it was still fit for purpose and to report back to the Licensing Committee in this regard at its meeting on 29 October 2019.
- 3.2 Public Charitable Collections are regulated by Section 119 of the Civic Government Act 1982, in that organisers of a collection from the public of money in a public place or by means of visits from place to place require to obtain permission from the Local Authority in whose area they are collecting.

3.3 Applications for permission for a public charitable collection require to be submitted to the local authority not later than one month before the date of the proposed collection.

3.4 Our current policy has been in place for many years and dates from prior to 2005. It permits the following –

**Street Collections** – every Monday, Thursday and Saturday and every day in December except Sundays and Public Holidays.

(This policy spaces collections out through the week and suggests that Thursdays were selected as this was late night shopping night, Saturdays as this was the main and busiest shopping day of the week and every day in December due to the festive period)

**House to House Collections** – One Week Monday to Friday inclusive allowed Per Charity.

(This fairly allows each charity to be allocated a week of collections each year)

**Other Collections** – For Example Pub Crawls, Carol Singers, Book Sales, any number may be allowed at any time at the discretion of the Chief Officer – Governance, Aberdeen City Council.

If the dates applied for are unavailable a member of the Licensing Team will contact the Applicant and discuss alternative dates available.

3.5 Applications which are late or fall out with the above policy or receive a representation from Police Scotland require to be referred to the Licensing Committee or Sub-Committee for consideration.

3.6 The recommendations would only amend the street collection part of the policy in order to provide some flexibility. Instead of the set days it is proposed that collections are permitted on any 3 days in a particular week, but not on consecutive days. The Licensing Committee have previously required to consider applications for collections where there have been no representations and there only reason for being placed on the agenda is due to the organiser seeking a day outwith those set in the current policy. This proposed amendment to the policy would more readily accommodate organisers requests and relieve the Committee from considering such applications.

3.7 It is also recommended that officers are given delegated powers to grant applications that are connected to a particular date-sensitive event (such as a charity fun run for example) where the application would conflict with this policy, but only where there have been no representations or objections from consultees.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The Civic Government (Scotland) Act 2019 does not permit Aberdeen City Council to charge a fee for applications for permission to undertake a public charitable collection in their area.
- 4.2 Staff costs in implementing any change to the public charitable collection policy will be contained within existing approved licensing budgets.

#### **5. LEGAL IMPLICATIONS**

- 5.1 Section 119 of the Civic Government (Scotland) Act 1982 requires any organiser of a public charitable collection to obtain permission from the local authority for the area in which the collection is to be held.
- 5.2 An application for permission requires to be made in writing to the local authority by the organiser not later than one month before the date of the collection.
- 5.3 On receipt of an application the local authority must consult the Chief Constable of Police Scotland and may make such other enquiries as they think fit.
- 5.4 In granting permission a local authority may impose such conditions as they think fit having regard to local circumstances. Conditions may include –
  - 1. Specifying the date, time and frequency of the collection
  - 2. Specifying the area the collection is to take place
  - 3. Regulating the conduct of the collection
  - 4. Specifying the form of any collection boxes, other containers or any other articles used for the purposes of the collection
  - 5. As to any other matter relating to the local circumstances of the collection.
- 5.5 A local authority may refuse to grant permission on the following grounds -
  - 1. That the date, time, frequency, or area of the collection would cause undue public nuisance
  - 2. That another collection in respect of which permission has been granted or which is exempt is due to take place on the same or proximate day
  - 3. That it appears that the amount likely to be applied for charitable purposes is inadequate having regard to the amount of the proceeds of the collection
  - 4. That the organiser has been convicted of a relevant offence.
- 5.6 The above provisions of Section 119 therefore allow Aberdeen City Council as licensing authority to regulate the granting of permissions for charitable collections in their area per the amended policy recommended at 2.1 and 2.2.

## 6. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
<b>Financial</b>	The costs of implementing the recommendations, amending the policy.	L	Close monitoring of the staff costs committed to the work and the budget available.
<b>Legal</b>	Lack of a coherent policy would leave the authority at risk of failing to comply with the legislative requirements.	L	Clear unambiguous policy that enables the authority to meet the statutory requirements.
<b>Employee</b>	There is no risk to employees arising from the recommendations of this report.	L	N/A
<b>Customer</b>	The proposal for amending the public charitable collection policy will allow more collections potentially causing a nuisance to the public.	L	The amended policy proposed together with the terms of Section 119 will allow more flexibility for collection organisers but still ensure that collections are adequately spaced and regulated to avoid public nuisance.
<b>Environment</b>	There is no risk to the environment arising from the recommendations of this report	L	N/A
<b>Technology</b>	There is no risk to technology arising from the recommendations of this report.	L	N/A
<b>Reputational</b>	As a licensing authority there would be a reputational risk to the Council if it failed to undertake its legal duty to carry out the statutory procedure in section 119 of the Civic Government	L	As this report is recommending that the Committee consider a review and amendment of their public charitable collection policy in line with the terms of Section 119 of the Civic Government

	(Scotland) Act for applications for public charitable collections in its area.		(Scotland) Act 1982 and that it would continue to appropriately regulate collections in its area, any risk will be mitigated
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## 7. OUTCOMES

Local Outcome Improvement Plan Themes	
	Impact of Report
	The proposals in this report have no impact on the LOIP.

Design Principles of Target Operating Model	
	Impact of Report
	The proposals in this report have no impact on the Design Principles of the Target Operating Model.

## 8. IMPACT ASSESSMENTS

Assessment	Outcome
<b>Equality &amp; Human Rights Impact Assessment</b>	Completed and not required
<b>Data Protection Impact Assessment</b>	Not required
<b>Duty of Due Regard / Fairer Scotland Duty</b>	Not applicable

## 10. REPORT AUTHOR CONTACT DETAILS

Lynn May  
Solicitor, Licensing Team  
LynMay@aberdeencity.gov.uk  
01224 523173

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## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Licensing Committee
<b>DATE</b>	29 October 2019
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Taxi Fare Review
<b>REPORT NUMBER</b>	GOV/19/392
<b>DIRECTOR</b>	N/A
<b>CHIEF OFFICER</b>	Fraser Bell
<b>REPORT AUTHOR</b>	Karen Gatherum
<b>TERMS OF REFERENCE</b>	3

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### 1. PURPOSE OF REPORT

- 1.1. To provide the Committee with evidence from the taxi fare tariff calculator that will allow it to reach an informed decision on 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 either Option A **or** Option B detailed at section 3.4 of this report as the proposed scales to be advertised for the taxi fare review in terms of section 17 of the Civic Government (Scotland) Act 1982;
- 2.2. Instructs Chief Officer-Governance to amend the fare card at surcharge 5 to reflect the holiday dates for 2020 and 2021;
- 2.3. Instructs the Chief Officer-Governance to advertise the proposed scales agreed in a newspaper circulating in its area for at least one month together with the general effect of the proposed scales and the date when it is proposed that they will take effect; and
- 2.4. Instructs the Chief Officer-Governance to submit a report to the Licensing Committee on 03 December 2019 on the outcome of the consultation on the proposed scales and seeking a final decision on the future taxi fare levels to be adopted from 29 January 2020.

### **3. BACKGROUND**

#### **3.1 Matters to Be Taken Into Account When Undertaking a Fare Review.**

3.1.1 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 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."

#### **3.2 Taxi Fare Formula**

3.2.1 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.

3.2.2 The formula assumes an average annual mileage of 27,786 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 49% saloon cars and 51% 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 HPI Motoring cost website at <https://www.hpi.co.uk/tco-check#product-tco>. The Formula identifies the AA website as the source to be used for the average running cost figures, however, the AA cost figures have not been updated since 2014. At the Licensing Committee on 9 July 2019 the Committee advised officers to look for an updated source to replace the AA source. After a failed attempt to contact Halcrow for an alternative source to use, officers identified the HPI website as being the best site to use for the calculation, due to it being a recognised financial data company and the ability to calculate up to date costs per typical model of private hire car. 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.

#### **3.3 Index Cost Calculations**

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

Component in Index	Annual Cost 2018	Annual Cost 2019	% Change
Vehicle cost	£3810	£4,633	21.61
Tyres	£384	£686	78.65
Garage and servicing- Labour	£552	£927	67.93
Fuel	£2630	£2781	5.76
Insurance	£1,150	£1,300	13.04
Miscellaneous	£390	£395	1.28
Replacement Parts	£627	£805	28.39
<b>Total Operating Costs</b>	<b>£9,543</b>	<b>£11,527</b>	<b>20.79</b>
Average National Earnings	£35,423	£36,611	3.35
National Insurance	£153	£156	1.96
<b>Total Index Costs</b>	<b>£45,119</b>	<b>£48,294</b>	<b>7.04%</b>

3.3.2 The outdated AA source for running costs has been replaced by information from: <https://www.hpi.co.uk/tco-check#product-tco>. The significant increase in costs are due to the AA source not being updated since 2014, therefore, this has had the effect that 5 years of small increments are being now being reflected in this fare review.

### 3.4 Options

3.4.1 **Option A:** Agrees to increase the current basic tariff by 7%; (See Appendix 1)

#### **OR**

3.4.2 **Option B:** Agrees to maintain the basic tariff at its current level; (see Appendix 2)

## 4 **CONSULTATION**

4.1 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 20 September 2019 for discussion at the meeting of the Consultation Group on 02 October 2019.

4.2 At the meeting of the Taxi and Private Hire Car Consultation Group on 02 October 2019, the trade representatives provided an initial view on both options A and B as detailed in this report. 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 pointed out that Officers would require to amend the waiting time surcharge as well to reflect the 7% increase, this was agreed by Officers.

4.3 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 formal 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 29 October 2019. Responses will be invited to be made by 01 December 2019. 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.

4.4 Following the consultation, it is proposed that a report summarising the responses received would be submitted to the Licensing Committee on 03 December 2019. At that time the Committee will be invited to make a final decision on any changes to the fare scales to be fixed on 29 January 2020.

## 5. **FINANCIAL IMPLICATIONS**

5.1 The approval of the recommendations will require:

- 5.1.1 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 special meeting of the Licensing Committee;
- 5.1.2 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.
- 5.1.3 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 1,500 this will be funded from the Taxi licensing budget;
- 5.1.4 Staff costs of the fare review and meter calibration will be contained within existing approved budgets.
- 5.1.5 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 taxi licensing budgets.

## **6. LEGAL IMPLICATIONS**

- 6.1 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 regularly review and fix the scales for 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 June 2018 and the tariff and surcharges took effect on 31 July 2018. Therefore, the review must be completed, and the scales fixed no later than 31 January 2020.
- 6.2 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 first consult with persons or organisations appearing to them to be, or to be representative of, the operators of taxis operating within their area.
- 6.3 Following consultation, the Committee must review the existing scales and propose new scales in relation to fares and surcharges or propose to make no change to the scales. 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 fixing the tariff and the date from which it is to take effect.
- 6.4 Any person who operates a taxi in the area 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

## 7. MANAGEMENT OF RISK

<b>Category</b>	<b>Risk</b>	<b>Low (L) Medium (M) High (H)</b>	<b>Mitigation</b>
<b>Financial</b>	There is no financial risk to Aberdeen City Council arising from the recommendations in this report	L	
<b>Legal</b>	There is a legal risk if Aberdeen City Council does not comply with legislation	L	To ensure that the Committee approve the fare review within the statutory time scales.
<b>Employee</b>	There is no risk to employees arising from the recommendations of this report	L	
<b>Customer</b>	Implementation of Option A will increase the cost of a taxi/private hire journey for the customer/citizen of Aberdeen	L	
<b>Environment</b>	There is no risk to the environment arising from the recommendations of this report	L	
<b>Technology</b>	There is no risk to technology arising from the recommendations of this report	L	
<b>Reputational</b>	As a licensing authority there would	M	As this report is introducing the review for consultation

	be a reputational risk to the Council if it failed to undertake its legal obligation and not carry out the review.		within the statutory time period any risk is mitigated.
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## 8. OUTCOMES

<b>Local Outcome Improvement Plan Themes</b>	
	<b>Impact of Report</b>
<b>Prosperous Economy</b>	The proposals within this report may deliver LOIP Stretch Outcome 1 – by increasing employment within the taxi and private hire trade. The paper seeks approval for the increase in taxi fares which may encourage people to enter the trade in future years. The current number of taxi's in the city are falling for the first time in many years and this paper report may resolve this.
<b>Prosperous People</b>	Not applicable
<b>Prosperous Place</b>	Not applicable

<b>Design Principles of Target Operating Model</b>	
	<b>Impact of Report</b>
<b>Customer Service Design</b>	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.
<b>Organisational Design</b>	There will be no impact on Organisational Design arising from this report.
<b>Governance</b>	There will be no impact on Governance arising from this report.
<b>Workforce</b>	There will be no impact on Workforce arising from this report.
<b>Process Design</b>	There will be no impact on Process Design arising from this report.

<b>Technology</b>	There will be no impact on Technology arising from this report.
<b>Partnerships and Alliances</b>	We anticipate there will be no impact on the taxi trade arising from the implementation of Option A or B.

## 9. IMPACT ASSESSMENTS

<b>Assessment</b>	<b>Outcome</b>
<b>Equality &amp; Human Rights Impact Assessment</b>	Completed and full EHRIA not required
<b>Data Protection Impact Assessment</b>	Not required
<b>Duty of Due Regard / Fairer Scotland Duty</b>	Not applicable

## 10. BACKGROUND PAPERS

None

## 11. APPENDICES

- 11.1. Appendix 1- the amended Taxi Tariff Card illustrating the proposed 7% increases.
- 11.2. Appendix 2- the current Taxi Tariff Card.

## 12. REPORT AUTHOR CONTACT DETAILS

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NOTICE TO BE PROMINENTLY DISPLAYED IN VEHICLE  
 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 29 JANUARY 2020

**Basic Tariff**

- |     |   |              |              |
|-----|---|--------------|--------------|
| (A) | For the FIRST 940 yards                               | <b>£2.60</b> |              |
| (B) | For every additional 160 yards (Time Locked in Meter) |              | <b>£0.20</b> |

**Extras**

(A) **Waiting**

A sum calculated at the rate of £24.60 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)   | <b>£1.00</b> |   |
| (2)  | For each hiring between 10pm on Friday and 8am on the <b>following Monday. (Time Locked in Meter)</b>  |              | <b>£1.00</b>  |
| (3)  | For each hiring between 2am and 5am on Saturday and Sunday mornings. (Time Locked in Meter)  |              | <b>£2.00</b>  |
| (4)  | For each hiring pre-booked.  |              | <b>£1.00</b>  |
| (5)  | For each hiring on the Spring, May Day, Midsummer and Autumn holidays as follows:-<br>Spring - Monday following third Sunday in April (if such Monday falls within the week in which Good Friday falls, then the following Monday)<br>Mayday - first Monday in May; Midsummer-second Monday in July; Autumn - fourth Monday in September |              | <b>£1.00</b>  |
| (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)  |              | <b>Add 50% to basic tariff</b>  |
| (7)  | For each hiring commencing at the Airport. (THIRD PARTY CHARGES)   |              | <b>£1.00</b>  |
| (8)  | For each hiring dropping passengers at the inner forecourt of the airport<br>(Non-airport zoned taxis only)(THIRD PARTY CHARGES)   |              | <b>£2.00</b>  |
| (9)  | For each hiring commencing at Aberdeen Railway Station. (THIRD PARTY CHARGES)  |              | <b>£0.50</b>  |
| (10) | A charge of £50 per incident of fouling a taxi.  |              |   |
| (11) | Where more than four passengers carried.   |              | <b>Add 50% to basic tariff plus surcharges (excluding surcharges 4,7 and 8)</b> |

Chief Officer- Governance



## 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](http://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](mailto: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.

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(As Amended 13 January 2018)**

**Basic Tariff**

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

**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)**

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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.
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