

Public Document Pack



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

Town House,
ABERDEEN 2 November 2020

LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in **Council Chamber - Town House** on **TUESDAY, 10 NOVEMBER 2020 at 10.00 am.**

Members of the press and public are not permitted to enter the Town House, however applicants and/or their representatives will be able to participate remotely, if they so wish.

The meeting will be webcast and a live stream can be viewed on the Council's website.

FRASER BELL
CHIEF OFFICER - GOVERNANCE

BUSINESS

NOTIFICATION OF URGENT BUSINESS

1.1 Urgent Business

DETERMINATION OF EXEMPT BUSINESS

2.1 Exempt Business

CONFIDENTIAL BUSINESS

3.1 Confidential Business (to note, if any)

DECLARATIONS OF INTEREST

- 4.1 Declarations of Interest (Pages 5 - 6)

DEPUTATIONS

- 5.1 Deputations

MINUTES AND COMMITTEE BUSINESS PLANNER

- 6.1 Minute of Previous Meeting of 1 September 2020 (Pages 7 - 14)

- 6.2 Committee Business Planner (Pages 15 - 18)

APPLICATIONS FOR LICENCES - INCLUDING LIST OF APPLICATIONS

- 7.1 New Licence for a House in Multiple Occupation - Mignon Murtle Estate, North Deeside Road (Pages 21 - 24)

- 7.2 Renewal of a Licence for a House in Multiple Occupation - 52 Albury Place (Pages 25 - 28)

- 7.3 New Licence for a House in Multiple Occupation - 8 Ivory Court (Pages 29 - 34)

- 7.4 Temporary Market Operators Licence - Affa Fine Open Air Markets (Etiom Ltd) (Pages 35 - 36)

Please note that there are confidential documents contained within the Confidential Information Section of the agenda.

- 7.5 Renewal of a Private Hire Driver Licence - Glen Urquhart (Pages 37 - 38)

- 7.6 Grant of a Skin Piercing and Tattooing Licence - Lee Adams (Pages 39 - 40)

- 7.7 Renewal of a Street Trader Licence - Iain Linton (Pages 41 - 42)

- 7.8 Renewal of a Public Entertainment Licence - Ferryhill Parish Church (Pages 43 - 44)

- 7.9 Grant of a Late Hours Catering Licence - Suur Yuce - Pasha Kebabs (Pages 45 - 48)

7.10 Public Charitable Collection - Steven Graham STV Appeal (Pages 49 - 50)

COMMITTEE REPORTS

8.1 Taxi Fare Review - COM/20/187 (Pages 51 - 60)

8.2 Sexual Entertainment Venue Licensing - COM/20/190 (Pages 61 - 64)

8.3 Taxi and Private Hire Policy Review - COM/20/191 (Pages 65 - 72)

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 New Application for Landlord Registration (Pages 75 - 80)

9.2 Request for Suspension of a Taxi Driver Licence (Pages 81 - 86)

9.3 Renewal of a Taxi Driver Licence (Pages 87 - 90)

9.4 Renewal of a Taxi Driver Licence (Pages 91 - 92)

9.5 Temporary Market Operators Licence - Affa Fine Open Air Markets (Etiom Ltd) - Confidential Documents (Pages 93 - 170)

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

To access the Service Updates for this Committee please use the following link:
<https://committees.aberdeencity.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13450&path=0>

Website Address: www.aberdeencity.gov.uk

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

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DECLARATIONS OF INTEREST

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

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

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

OR

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

OR

I declare an interest in item (x) for the following reasons however I consider that a specific exclusion applies as my interest is as a member of 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, 1 September 2020. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Reynolds, Convener; and Councillors Allan, Bell, Cooke (as substitute for Councillor Al-Samarai), Delaney, Henrickson, Macdonald (as substitute for Councillor Malik), McLellan (as substitute for Councillor Henrickson for item 1 only), Sellar and Townson.

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

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

DECLARATIONS OF INTEREST

1. At the commencement of the meeting, Councillor Cooke, seconded by Councillor Delaney moved, as a procedural motion:-
that with regard to the Equalities Act 2010, that all items on the agenda be deferred until such time officers update the guidelines for attending Town House Meetings.

On a division there voted:- for the procedural motion (4) – Councillors Cooke, Delaney, McLellan and Townson; against the procedural motion (5) – the Convener, and Councillors Allan, Bell, Macdonald and Sellar.

There were no declarations of interest intimated.

The Committee resolved:-
to reject the procedural motion.

MINUTE OF MEETING OF LICENSING SUB COMMITTEE OF 16 JUNE 2020

2. The Committee had before it the minute of meeting of the Licensing Sub Committee of 16 June 2020.

The Committee resolved:-
to note the minute.

COMMITTEE BUSINESS PLANNER

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

The Committee resolved:-

LICENSING COMMITTEE

1 September 2020

to note the committee business planner.

NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - ANDARABAD, NIGG KIRK ROAD

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

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 198 KINCORTH CIRCLE

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

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 96 KINCORTH CIRCLE

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

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - FLAT 4, 25 SOUTH MOUNT STREET

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

RENEWAL OF A PRIVATE HIRE CAR DRIVER LICENCE - IAIN SIMPSON

8. The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the licence holder had not passed the street knowledge test and the application had to be determined by 9 October 2020.

The licence holder was not in attendance, nor represented.

The Committee resolved:-

to refuse the licence.

LICENSING COMMITTEE

1 September 2020

RENEWAL OF A TAXI LICENCE (OPERATOR) - ARTHUR MILNE

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

RENEWAL OF A PRIVATE HIRE CAR OPERATOR LICENCE - ALI RAHMATH

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

RENEWAL OF A PRIVATE HIRE CAR DRIVER LICENCE - IRFAN BASHIR

11. The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the licence holder had not passed the street knowledge test and the application had to be determined by 21 October 2020.

The licence holder was in attendance and spoke in support of his application.

Sandy Munro, Legal Adviser (1) accepted that the records held by the authority in terms of the number of street knowledge tests that this applicant had undertaken may not be accurate; and (2) assured members that accuracy issues in this regard would be resolved prior to the next meeting of the Committee.

Councillor Townson moved that the licence be granted for three years allowing a further three attempts for the applicant to pass the street knowledge test prior to the renewal date. Councillor Townson did not have a seconder for his motion, therefore in terms of standing order 29.12, the motion fell.

The Committee resolved:-

to grant the licence for a period of two years (until January 2022), allowing a further two attempts for the applicant to pass the street knowledge test prior to the renewal date.

RENEWAL OF A PRIVATE HIRE CAR DRIVER LICENCE - MUJEEB KANNEGAL

12. The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the licence holder had not passed the street knowledge test and the application had to be determined by 21 October 2020.

The licence holder was not in attendance, nor represented.

LICENSING COMMITTEE

1 September 2020

The Committee resolved:-

to refuse the licence.

RENEWAL OF A PRIVATE HIRE CAR DRIVER LICENCE - BHARAT CHHOKAR

13. The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the licence holder had not passed the street knowledge test and the application had to be determined by 21 October 2020.

The licence holder was in attendance and spoke in support of his application.

Councillor Delaney, seconded by Councillor Allan moved:-
that the licence be refused.

Councillor Townson, seconded by Councillor Cooke, moved as an amendment:-
that the licence be granted for a period of two years, allowing a further two attempts for the applicant to pass the street knowledge test prior to the renewal date (January 2022).

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

The Committee resolved:-

to adopt the motion, therefore, to refuse the licence.

RENEWAL OF A PRIVATE HIRE CAR DRIVER LICENCE - NATHAN HARBI

14. The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the licence holder had not passed the street knowledge test and the application had to be determined by 21 October 2020.

The licence holder was not in attendance, nor represented.

The Committee resolved:-

to refuse the licence.

LICENSING COMMITTEE

1 September 2020

RENEWAL OF A PRIVATE HIRE CAR DRIVER LICENCE - LAWRENCE MORRISON

15. The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the licence holder had not passed the street knowledge test and the application had to be determined by 21 October 2020.

The licence holder was not in attendance, nor represented.

The Committee resolved:-
to refuse the licence.

VARIATION OF A STREET TRADER LICENCE - JOHN HOWARTH (TANYA'S PIZZA & PIES)

16. The Committee were advised that the application had been withdrawn.

COMMITTEE ANNUAL EFFECTIVENESS REPORT - COM/20/119

17. The Committee had before it a report by the Chief Officer – Governance which presented annual data relating to the effectiveness of the Licensing Committee.

The report recommended:-

that the Committee –

- (a) provide comments and observations on the data contained within the annual report;
and
- (b) note the annual report of the Licensing Committee.

The Committee resolved:-
to approve the recommendations.

TAXI FARE REVIEW - COM/20/122

18. With reference to article 6 of the minute of meeting of 18 February 2020, the Committee had before it a report by the Chief Officer – Governance, which provided evidence from the taxi fare tariff calculator that would 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.

The report recommended:-
that the Committee –

LICENSING COMMITTEE

1 September 2020

- (a) approve either Option A or Option B detailed at section 3.4 of the 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;
- (b) instruct 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
- (c) instruct the Chief Officer - Governance to submit a report to the Licensing Committee on 10 November 2020 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 30 November 2020.

The Committee resolved:-

- (i) to approve Option A as detailed at section 3.4 of the 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; and
- (ii) to approve recommendations (b) and (c).

CONFIDENTIAL INFORMATION

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

NEW APPLICATION FOR LANDLORD REGISTRATION

19. The Committee had before it (1) an information sheet by the Private Sector Housing Manager, which provided details in relation to a new application for Landlord Registration; (2) a letter of representation in support of the application; and (3) a letter of objection from the Deputy Chief Constable designate, Police Scotland, c/o North East Division dated 23 June 2020.

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

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

Sergeant Flett and the applicant both summed up.

The Committee resolved:-

to grant the application.

LICENSING COMMITTEE

1 September 2020

RENEWAL OF A TAXI DRIVER LICENCE

20. The Committee had before it (1) an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 13 January 2021; and (2) a letter of representation from the Chief Superintendent, Police Scotland, c/o North East Division dated 27 April 2020.

The licence holder was not in attendance, nor represented.

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

The Committee resolved:-

to grant the renewal of the licence.

- **COUNCILLOR JOHN REYNOLDS, Convener**

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	A	B	C	D	E	F	G	H	I
1	LICENSING COMMITTEE BUSINESS PLANNER The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting.								
2	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference Number	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
3			10 November 2020						
4	Taxi & Private Hire Policy Review	To advise committee of the results of the review and seek approval to consult on the proposed changes to policy		Sandy Munro	Governance	Commissioning	17		
5	Taxi Fare Review	To advise committee of the results of the consultation on the amended fare structure		Karen Gatherum	Governance	Commissioning	17.3		
6	Sexual Entertainment Venue Licensing	To amend the date of implementation of the SEV licensing regime		Sandy Munro	Governance	Commissioning	17		
7			19 January 2021						
8	No reports scheduled at this time.								
9			16 March 2021						
10	No reports scheduled at this time.								
11			18 May 2021						
12	No reports scheduled at this time.								
13			29 June 2021						
14	No reports scheduled at this time.								
15			31 August 2021						
16	No reports scheduled at this time.								
17			26 October 2021						
18	No reports scheduled at this time.								

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference Number	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
19			14 December 2021						
20	No reports scheduled at this time.								
21			TBC						
22	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		
23	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.		Sandy Munro	Governance	Governance	3		
24									

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Application	Name of Applicant & Agent	Premises of which application refers	Representations received	Date by which application to be determined (date order)	Proposed Meeting to Determine Application	Page Number
HMO Application (New)	Camphill Estates Ltd	Mignon Murtle Estate, North Deeside Road, Aberdeen	HMO Team, Private Sector Housing Unit	25 November 2020	10 November 2020	21 - 24
HMO Application (Renewal)	Terry McDonald	52 Albury Place, Aberdeen	3 Late Objections	03 April 2021	10 November 2020	25 - 28
HMO Application (New)	Michael Higgins	8 Ivory Court, Aberdeen	1 Objection	12 August 2021	10 November 2020	29 - 34
Market Operators Licence – Temporary	Affa Fine Open Air Markets (Etium Ltd)	Beach Links Event Field	Environmental Health	15 November 2020	10 November 2020	35 - 36
Private Hire Driver Renewal	Glen Urquhart		Legal	4 December 2020	10 November 2020	37 - 38
Skin Piercing and Tattooing Licence Grant	Lee Adams	Yarson Tatto Studio, 508-510 George Street, Aberdeen	Legal	11 December 2020	10 November 2020	39 - 40
Street Trader Licence Renewal	Iain Linton	Greenwell Road East Tullos	Environmental	16 December 2020	10 November 2020	41 - 42
Public Entertainment Licence Renewal	Ferryhill Parish Church	Ferryhill Parish Church	Legal	19 December 2020	10 November 2020	43 - 44
Late Hours Catering Licence Grant	Suur Yuce	Pasha Kebabs 25 Windmill Brae Aberdeen	Police Scotland	24 May 2021	10 November 2020	45 - 48

Application	Name of Applicant & Agent	Premises of which application refers	Representations received	Date by which application to be determined (date order)	Proposed Meeting to Determine Application	Page Number
Public Charitable Collection	Steven Graham STV Appeal		Legal	N/A	10 November 2020	49 - 50

LICENSING COMMITTEE INFORMATION SHEET

10 November 2020

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (FIRST TIME)

APPLICANT: CAMPHILL ESTATES LIMITED

ADDRESS: MIGNON MURTL ESTATE, NORTH DEESIDE ROAD, ABERDEEN

INFORMATION NOTE

At the date of drafting this Information Note, a new HMO licence cannot be granted for the reason that the applicant has not completed the work & certification requirements to bring the property up to the current HMO standard. The meeting of the Licensing Committee on 10 November 2020, is the last meeting before the one-year statutory deadline for determining this HMO licence application therefore if the property is still unsuitable by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 10 November 2020. I will advise the Committee whether the applicant has satisfactorily completed the necessary work & certification requirements.

DESCRIPTION

The premises at Mignon House is a large detached 2-storey purpose-built building in the Murtle Estate. Part of the ground floor of the building provides accommodation for families and is not included in the HMO licence application. The remainder of the ground floor and the whole upper floor of the building is the subject of the HMO licence application and provides accommodation as follows:
Ground floor: 4 bedrooms, 1 kitchen/larder, 1 living/dining room, 1 bathroom, 1 washroom, 2 WCs
First Floor: 15 bedrooms, 4 bathrooms, 1 shower room, 1 washroom and 3 WCs.
The applicant has requested an occupancy of 10 tenants, which is acceptable in terms of space and layout. The application under consideration is a first-time application.

CONSULTEES

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

OBJECTIONS/REPRESENTATIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- General public – no objections

COMMITTEE GUIDELINES/POLICY

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

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

OTHER CONSIDERATIONS

- The applicant is registered as a landlord with this Council and the registration includes 11 rental properties, one of which being Mignon Murtle Estate North Deeside Road.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of Mignon Murtle Estate North Deeside Road, Aberdeen.
- The extent of the above-mentioned work & certification requirements is as follows:
 - 1) The number of electrical sockets must meet the following minimum Standard: 6 in the kitchen – 6 in the bedrooms – 6 in the living room – 4 Additional sockets elsewhere in the premises. In this regard ensure that the required number of sockets in each room is readily accessible.
 - 2) A Carbon Monoxide Detector (operated by a long-life sealed battery) must be installed within any room where a gas or oil burning appliance or a flue from such an appliance is located and must be installed in accordance with the manufacturer's instructions. In this regard a detector is required in the kitchen, lounge and boiler room.
 - 3) All room and final exit door locks must be capable of being opened from the inside, without the use of a key. Any door lock not normally in use must be permanently disabled. In this regard a lock with a turn button would be suitable on the final exit doors and bedroom doors if they are to be fitted with locks.

- 4) All self-closing doors must be capable of closing fully against their stops from all angles of swing and must latch off when closed.
- 5) All bath and shower areas should be checked, and the silicon seal replaced where necessary.
- 6) One reasonable size freezer for each 5 persons must be supplied.
- 7) A suitable microwave should be supplied in the kitchen area.
- 8) The following certificates must be submitted:
 - Notice of HMO Application - Certificate of Compliance
 - Electrical Installation Condition Report, which meets the requirements of BS 7671
 - Itemised Portable Appliance Testing (PAT) Certificates, for all electrical appliances provided by the owner (annually).
 - Private Residential Tenancy Agreement, an anti- social behaviour clause must be detailed.
 - A Gas installation certificate must be supplied for the new gas Cooker and supply confirming that it is safe for use.

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LICENSING COMMITTEE INFORMATION SHEET

10 November 2020

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: TERRY MCDONALD

AGENT: NONE STATED

ADDRESS: 52 ALBURY PLACE, ABERDEEN

INFORMATION NOTE

This HMO licence application is on the agenda of the Licensing Committee for the reason that 3 'late' letters of representation/objection were submitted to the HMO Unit.

DESCRIPTION OF PREMISES

The premises at No.52 Albury Place, Aberdeen, is an upper-floor maisonette flat contained within a 2-flatted property. The ground-floor flat has the address, No.57 Albury Road. The accommodation in the upper-floor maisonette comprises 5 letting bedrooms, one living-room, one kitchen and one bathroom. 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, 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
- Licence-applicant – one letter from the applicant in response to the letters of representation/objection

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

NOTICE OF HMO APPLICATION – CERTIFICATE OF COMPLIANCE

The HMO licence renewal application was submitted to the HMO Unit on 4 April 2020 and the Certificate of Compliance, submitted by the applicant to the HMO Unit, declares that the public Notice of HMO Application was on display outside the property between 4 April 2020 – 25 April 2020. These 21 days are statutory and any written representation submitted to the Council during this statutory period must by law be considered. No such written representations were, however, submitted during the statutory period.

LETTERS OF REPRESENTATION/OBJECTION

- One letter of objection was received by the HMO Unit on 16 September 2020.
- A 2nd letter of objection was received by the HMO Unit on 22 September 2020.
- A 3rd letter of objection was received by the HMO Unit on 2 October 2020.

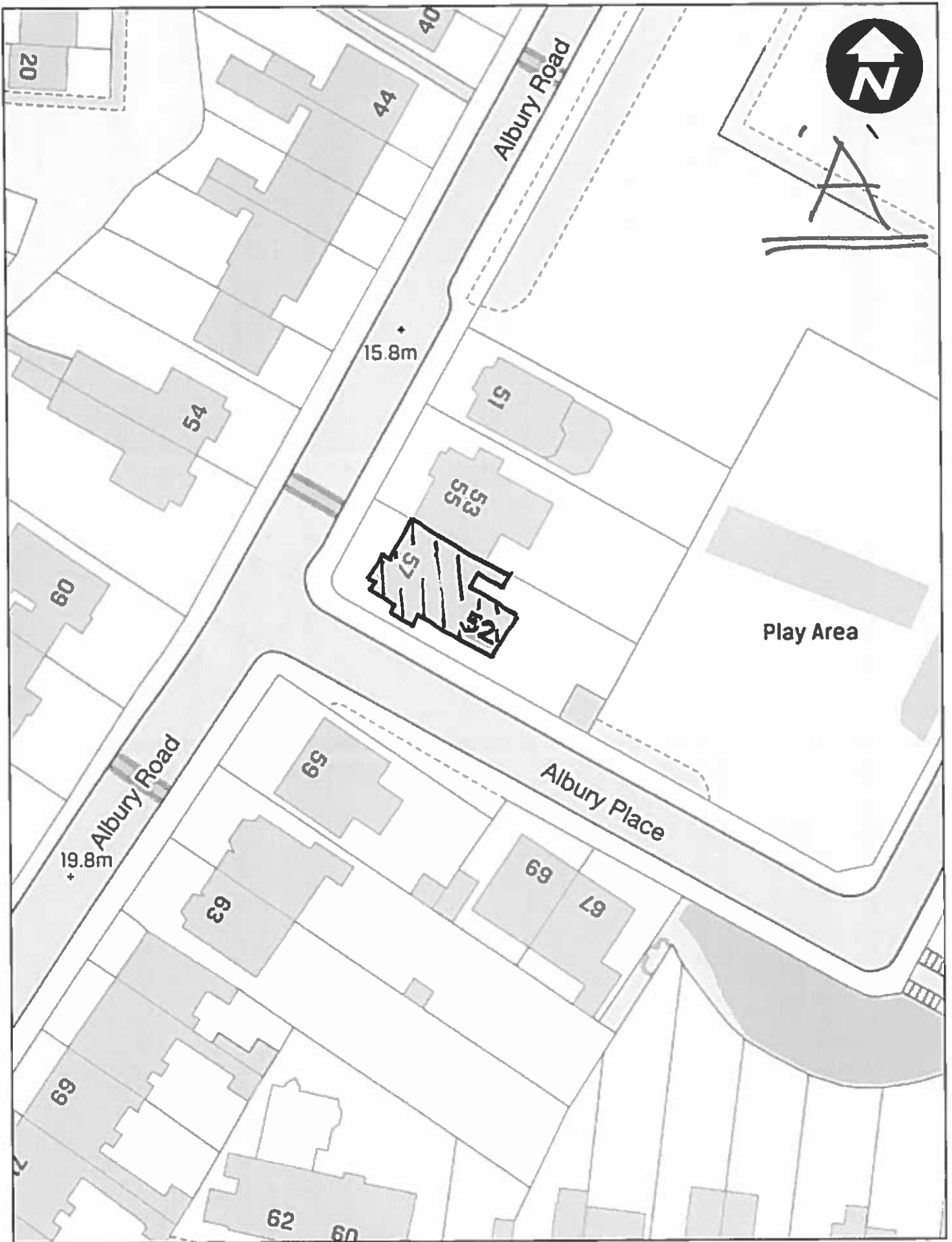
All 3 letters of objection are written by the same person and all 3 letters were received by the HMO Unit a few months out-with the statutory period for submission of written representations. The above-mentioned HMO licensing legislation, however, allows the local authority to consider a late letter if it considers that it was reasonable for the respondent to submit the letter after the deadline for doing so. Accordingly, if the Committee decides to consider one, two or all three of the late letters, copies will be e-mailed to Members at the meeting.

LETTER FROM APPLICANT

The applicant submitted a letter responding to the 3 'late' letters. Accordingly, if the Committee decides to consider any of the late letters, a copy of the applicant's letter will be e-mailed to Members at the meeting.

OTHER CONSIDERATIONS

- The applicant is registered as a landlord with this Council and his registration includes No.52 Albury Place.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.52 Albury Place.
- A recent inspection of the property revealed a minor amount of upgrading work which the applicant satisfactorily completed. Consequently, a new HMO licence may now be granted if the Committee is so minded.
- The application under consideration is to renew an existing HMO licence. An HMO licence for the property was first granted to the applicant in 2014.



LICENSING COMMITTEE INFORMATION SHEET

10 November 2020

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (NEW)

APPLICANT: MICHAEL HIGGINS

AGENT: NONE STATED

ADDRESS: 8 IVORY COURT, HUTCHEON STREET, 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.

If, after consideration of the representation/objection, the Committee is minded to grant the HMO licence, it may do so for the reason that the necessary upgrading works & certification have been satisfactorily carried out.

DESCRIPTION

The premises at No.8 Ivory Court, Aberdeen, is a first-floor flat with accommodation comprising 4 letting bedrooms (master bedroom en-suite), one public room, one kitchen & 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.

CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- A public Notice of HMO Application was displayed outside the building, 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 (Attached as Appendix B).
- Licence-applicant – one letter from 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

- The applicant is registered as a landlord with this Council and his registration includes No.8 Ivory Court.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.8 Ivory Court.
- All upgrading work required by the HMO Officer, including certification, has been satisfactorily carried out.
- The application under consideration is a 'first-time' application following the applicant's purchase of the property in August 2020.
- The previous owners of No.8 Ivory Court held an HMO licence between October 2003 until the property changed hands in August 2020.
- There are currently 4 HMO-licensed flats in Ivory Court.

- The letter of objection includes 6 separate points and Members may wish to note the following comments:

Point 1 – The public Notice of HMO Application is automatically generated by the Council's online HMO application facility and does not include the proposed occupancy.

Point 2 – Title Deed conditions or a breach of same are not a statutory ground of refusal of an HMO licence application.

Point 3 – The property at No.8 Ivory Court was purchased by the applicant as a 4-bedroom flat. The objector alleges that the property was designed as a 3-bedroom flat when the whole building was converted around 1999 and a previous owner subsequently created a 4th bedroom. This allegation was discussed with the Council's Building Standards team who advised that the Building Warrant drawings & documents for the conversion of the whole building are unavailable and they are therefore unable to confirm whether No.8 was originally designed as a 3-bedroom and a 4th bedroom was created thereafter. The then-owners of No.8 applied for a Building Warrant in 2006 for the installation of smoke detectors, and there were 4 bedrooms at that point in time. In conclusion, the Building Standards team advised that they will not pursue this matter unless they are provided with proof that the 4th bedroom was created without a Building Warrant having first been obtained.

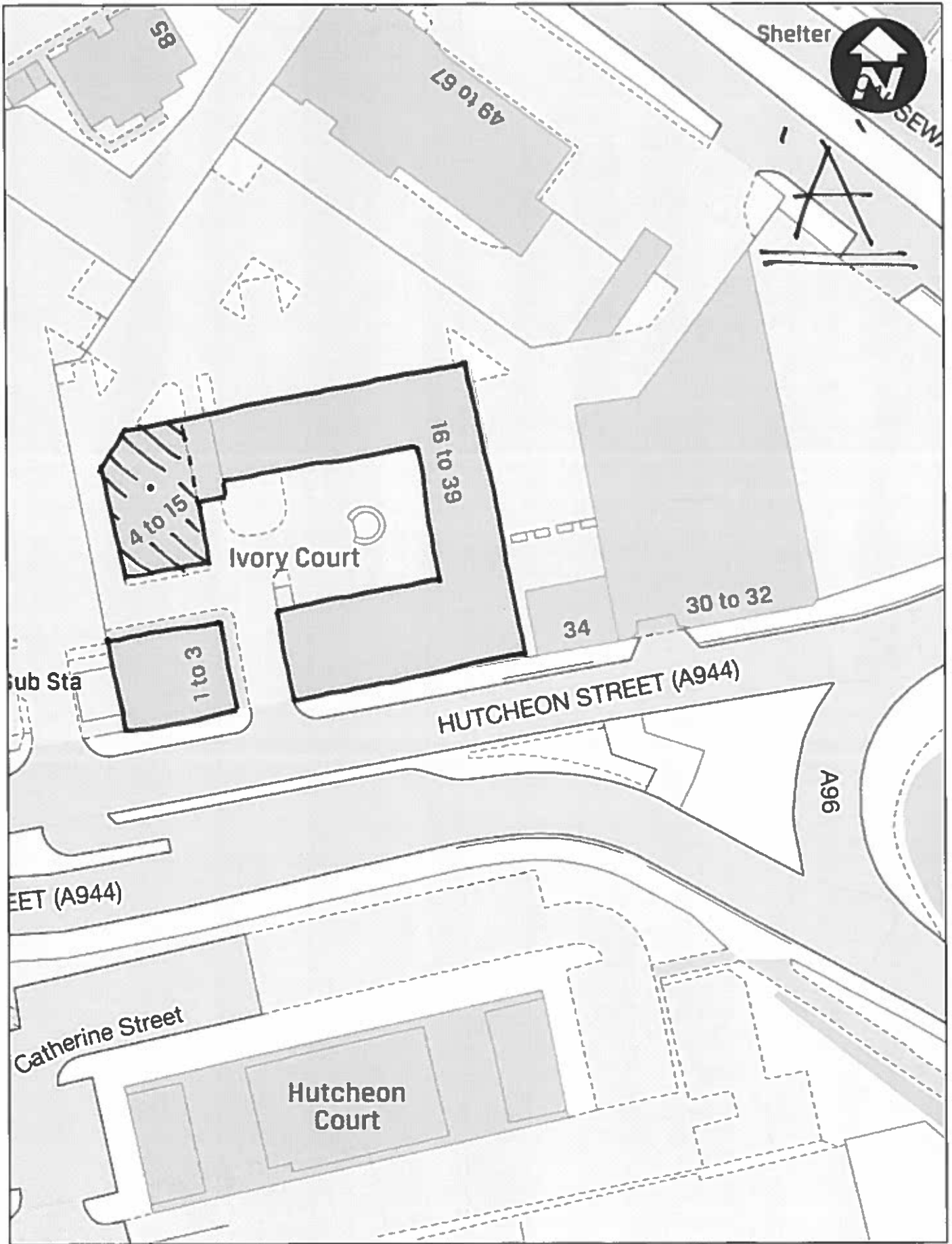
Point 4 - Common charges are not a statutory ground of refusal of an HMO licence application.

Point 5 – No comment

Point 6 – If an HMO licence is granted it will be conditional upon the usual conditions, one of which being the requirement for the licence-holder to provide his/her neighbours with their contact details.

With regard to the reference to the Police having a "long record of numerous violations of licence", Police Scotland advised that they have a record of 2 incidents within the Ivory Court postcode area within the previous 12 months. Neither incident resulted in any action being taken by Police Scotland.

As mentioned above, Police Scotland have no objections to the licence application under consideration.



B

25 August 2020

RE: HMO licence application for 8 Ivory Court

Reference: Letter 1

HMO unit
Operations and Protective Services
Business Hub 1
Lower Ground Floor West
Marischal College
Broad Street
Aberdeen AB10 1AB

To Whom It May Concern:

The purpose of this letter is to object to the HMO application (dated 13 August 2020 and posted in the street outside of the development on the weekend of 23-24 August 2020. The grounds for my objection are as follows:

1. The maximum number of persons residing in the HMO is not specified.
2. The plan/layout of the flat has been modified by the previous owner to include more rooms than permitted under the original development plans and existing specification in the title Deeds. The title Deeds prohibit such internal alterations.
3. The requirement for, or existence of a Building Warrant for the conversion of this property from 3 to 4 bedroom, is subject of ongoing investigation by the Aberdeen Council Building Standards Team.
4. Common charges for this flat are determined according to a lease fraction based on flat 8 being a 3 bedroom property. This unfairly prejudices all the other owners at the development.
5. The application has failed to take adequately into account that the access to flat 8 is via a communal hallway with external security door. Access to multiple families will pose increased security threat, risk of fire and higher maintenance costs on other residents.
6. The new licence holder is not local or contactable to resolve disputes and will not be in any position to take any of the necessary steps to deal with anti-social behaviour should it occur. This is an ongoing issue with all six HMOs in the development, where the Police have a long record of numerous violations of licence, such as excessive noise between 23:00 and 08:00 and urination in the courtyard.

I would normally copy current owners on this communication but their contact details have not yet been provided (LC10).

Respectfully yours,

Raymond Lynch

.....

23/10/2020

Ref Reply to objection *

To Whom it may concern

I have read the application objection that Raymond Lynch has made dated 25 August 2020 and wholly understand and empathise with his objection. From my understanding the previous tenants of this HMO have been students, and have had issues with the residents in the block of flats previously, with noise complaints and anti-social behaviour, etc.

Not that my intentions matter, it is not now and in the future my intention to rent the flat out to students for the reasons previously mentioned, and the issues that it raises with unhappy neighbours.

My plan is to let to 3 young professionals that work for me. I have 2 living in the property currently with the plan for the 3rd coming over from Canada in December to take up their role.

On buying this property it was done under the understanding and in good faith, that it was a 4 bedroom property and the first I have heard that it was not originally was through the objection letter. I have shown the objection to the solicitor that was involved in the sale of the property and their stance is that if a 4th bedroom has been created then it would have been done via a stud partition wall that would not have required building warrant consent. I will of course abide by the decision of the buildings standards team.

In relation to the matter of the "community burden" the solicitor has advised that 4th bedroom has been a historic change, at least before 2007, and in so, title and interest to enforce a "community burden" has to be done withing 12 months of the breach.

Currently I will be attending the virtual meeting on the 10th of November where I can answer any questions to the best of my ability.

Yours Sincerely

Michael Higgins

LICENSING COMMITTEE INFORMATION SHEET

10 November 2020

TYPE OF APPLICATION: Market Operators Licence (Temp)

APPLICANT: Affa Fine Open Air Markets (Etiom Ltd)

INFORMATION NOTE

First market is on 15/11/2020

DESCRIPTION

Market Operator Licence Temporary

CONSULTEES

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

OBJECTIONS/REPRESENTATIONS

Environmental Health

GROUND FOR REFUSAL

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

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

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

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

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

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

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

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

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

10 November 2020

TYPE OF APPLICATION: Private Hire Car Driver Licence- RENEWAL

APPLICANT: Glen Urquhart

INFORMATION NOTE

Application accepted 05/03/2020
Must be determined by 04/12/2020

The applicant has never sat the street knowledge test nor applied to sit the test.

He was also written to on 13 December 2019 reminding him that he would be required to pass the street knowledge test before his licence could be renewed.

DESCRIPTION

Renewal of Taxi Driver Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal – Street Knowledge Test

COMMITTEE GUIDELINES/POLICY

All applicants for a PHC Driver licence must pass the street knowledge test.

GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

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

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

10 November 2020

TYPE OF APPLICATION: SKIN PIERCING AND TATTOOING LICENCE

APPLICANT: LEE ADAMS

INFORMATION NOTE

Application must be determined by 11/12/2020

DESCRIPTION

Skin Piercing and Tattooing Licence

CONSULTEES

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

OBJECTIONS/REPRESENTATIONS

Legal – Environmental Health inspection has not been carried out as of 28/10/2020

GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET 10 November 2020

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

APPLICANT: Iain Linton

LOCATION: Greenwell Road, East Tullos

DESCRIPTION

- The application requires to be determined by 16 December 2020

CONSULTEES

Police Scotland

Roads

Environmental Health

OBJECTIONS/REPRESENTATIONS

- EH- No Certificate of Compliance

GROUND FOR REFUSAL

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

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

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

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

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

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

be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—

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

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

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

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

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

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

10 November 2020

TYPE OF APPLICATION: Public Entertainment Licence

APPLICANT: Ferryhill Parish Church

INFORMATION NOTE

Application must be determined by 19/12/2020

DESCRIPTION

Public Entertainment Licence

CONSULTEES

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

OBJECTIONS/REPRESENTATIONS

Legal – Building Standards inspection has not been carried out as of 28/10/2020

GROUNDINGS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

10 November 2020

TYPE OF APPLICATION: LATE HOURS CATERING GRANT

APPLICANT: Suur Yuce

Pasha Kebabs, 25 Windmill Brae, Aberdeen

INFORMATION NOTE

Application must be determined by 24/05/2021

DESCRIPTION

Late hours catering grant – Police Scotland representation attached.

CONSULTEES

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

OBJECTIONS/REPRESENTATIONS

Police Scotland

COMMITTEE POLICY

City Centre and Aberdeen Beach area Premises which are located in the city centre have a current maximum terminal hour of Sunday to Thursday 03:00 and Friday and Saturdays 04:00. The city centre for late hours catering purposes also includes the beach area.

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.

18 September 2020

Your Ref:

Our Ref: 518295

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



Dear Sir/Madam,

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982
APPLICATION FOR GRANT OF A LATE HOURS CATERING LICENCE
APPLICANT: SUUR YUCE, B.05/10/1983, 25 WINDMILL BRAE, ABERDEEN,
AB11 6HU**

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

The applicant seeks to operate a hot food outlet until 0300 hours Monday to Thursday and Sunday and 0400 hours Friday and Saturday, however further seeks to operate until 0500 hours on 'bank holidays'.

I note that hours sought beyond 0300 week days and 0400 Friday and Saturday are within the terms of the Committee's Policy which states that premises within the city centre have a maximum terminal hour of 0400.

The applicant was contacted in respect of the hours requested for Bank Holidays and advised that this was to allow the premises to remain open beyond 0300 and 0400 hours should the holiday fall on either a week day or at a weekend.

I am aware of other late opening premises being granted licences allowing them to operate until 0400 hours the trading day of Sunday preceding a local holiday Monday, however, I am of the opinion that should the Committee be minded to grant the application in its current form in respect of the hours sought beyond 0400, it would set a precedent which other late opening premises in the vicinity, or elsewhere in the city, might seek to replicate. I therefore recommend that the application is granted in accordance with the Committee's current Policy, in terms of maximum terminal hour.

OFFICIAL

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

Yours faithfully

A handwritten signature in black ink, appearing to read "George Macdonald". The signature is written in a cursive style with a large initial 'G'.

George Macdonald
Chief Superintendent

For enquiries please contact the Licensing Department on 01224 306468

LICENSING COMMITTEE INFORMATION SHEET

10 November 2020

TYPE OF APPLICATION: Public Charitable Collection

APPLICANT: STV

INFORMATION NOTE

Application has not been received within the required 1-month notice period.
Application was received on 30 October for an event on 15 November 2020

DESCRIPTION

Public Charitable Collect Permit

CONSULTEES

- N/A

OBJECTIONS/REPRESENTATIONS

The Committee are being asked to waive the 1-month notice period. If the Committee is minded to do so, it will then be processed in the usual manner.

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ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	10 November 2020
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Taxi Fare Review
REPORT NUMBER	COM/20/187
DIRECTOR	N/A
CHIEF OFFICER	Fraser Bell
REPORT AUTHOR	Karen Gatherum
TERMS OF REFERENCE	17.3

1. PURPOSE OF REPORT

- 1.1. To present the outcome of the representations to the proposed taxi tariff scales as advertised in accordance with statutory requirements.

2. RECOMMENDATION(S)

That the Committee:

- 2.1. notes the content of the report and that there were no representations made by members of the taxi trade or the public to the consultation;
- 2.2. Agrees to the current basic tariff and to increase surcharge 8 tariff by £1.00 to a charge of £3.00;
- 2.4 approves the Tariff Card attached at Appendix 1 and instructs the Chief Officer – Governance to provide written notice to all taxi licence holders of the new tariff and their right of appeal; and
- 2.5. agrees that the tariff will take effect from 30 November 2020, provided no appeal is lodged with the Traffic Commissioner.

3. BACKGROUND

- 3.1 As required by the Civic Government (Scotland) Act 1982, an advert was published in a newspaper circulating locally, namely the Evening Express. Members of the public and trade were invited to submit representations in writing by Wednesday 07 October 2020. The date for lodging representations has now passed and no response was received in respect of the proposals.
- 3.2. If the Committee agrees, the proposed fares and surcharge will take effect on 30 November 2020. This will allow officers to complete the statutory procedures.

- 3.3. The Council as the licensing authority for taxis is required to review and fix scales for fares and any other charges.
- 3.4. At its meeting on 29 October 2019, the Licensing Committee proposed Agrees to the current basic tariff and to increase surcharge 8 tariff by £1.00 to a charge of £3.00.

4. FINANCIAL IMPLICATIONS

- 4.1. The approval of the recommendations will require:
- 4.1.2. After fixing the new scales, the licensing authority must give 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.
- 4.1.3. Copies of the new Taxi Tariff Card are required to be produced and issued to all taxi and private hire licence holders to be displayed in their vehicles, approximately 1,230 and this will be funded from the Taxi licensing budget.
- 4.1.4. Staff costs of implementing the fare review.
- 4.1.5. There will, therefore, be a financial cost to the Licensing Team, Governance in producing and issuing the above documentation. These costs will be approximately £500. The expenditure in the Taxi Licensing budget is met from the income raised through Taxi Licensing.

5. LEGAL IMPLICATIONS

- 5.1. In terms of Section 17 of the Civic Government (Scotland) Act 1982 the Council, as the licensing authority for taxis is obliged to review and fix the maximum scale of fares and surcharges so that they take effect within 18 months beginning with the date on which the previous scales came into effect.
- 5.2. Operators of taxis or any person or organisation appearing to the Traffic Commissioner to be a representative of such taxi operators can appeal against any decision the Local Authority makes in respect of fixing fares and surcharges. Any appeal is made to the Traffic Commissioner for the Scottish Traffic Area within 14 days of notice being given by the Licensing Authority.

6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk	There is no strategic risk attached to the recommendations of this report	L	

Compliance	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.
Operational	There is no operational risk arising from the recommendations of this report	L	
Financial	There is no financial risk to Aberdeen City Council arising from the recommendations of this report		
Reputational	As a licensing authority there would be a reputational risk to the Council if it failed to undertake its legal obligation and not carry out the review.	M	As this report is fixing the fares within the statutory time period any risk is mitigated.
Environment / Climate	There are no environmental or climate risks arising from the recommendations of this report	L	

7. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
	Impact of Report
Aberdeen City Council Policy Statement	<i>The proposals in this report have no impact on the Council Delivery Plan.</i>
Aberdeen City Local Outcome Improvement Plan	
Prosperous Economy Stretch Outcomes	The proposals in this report have no impact on the Council Delivery Plan.
Prosperous People Stretch Outcomes	The proposals in this report have no impact on the Council Delivery Plan.
Prosperous Place Stretch Outcomes	The proposals in this report have no impact on the Council Delivery Plan.

Regional and City Strategies	The proposals in this report have no impact on the Council Delivery Plan.
UK and Scottish Legislative and Policy Programmes	The proposals in this report have no impact on the Council Delivery Plan.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Full impact assessment not required
Data Protection Impact Assessment	not required

9. BACKGROUND PAPERS

N/A

10. APPENDICES

Appendix 1- the current taxi fare tariff
Appendix 2- the proposed taxi fare tariff

11. REPORT AUTHOR CONTACT DETAILS

Name	Karen Gatherum
Title	Trainee Solicitor
Email Address	kgatherum@aberdeencity.gov.uk
Tel	01224522462

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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 2JANUARY 2020

Basic Tariff

- | | | | |
|-----|---|--------------|--------------|
| (A) | For the FIRST 965 yards | £2.55 | |
| (B) | For every additional 165 yards (Time Locked in Meter) | | £0.20 |

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) | £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)

- | | | | |
|------|---|--|---|
| (7) | For each hiring commencing at the Airport. (THIRD PARTY CHARGES) | | Add 50% to basic tariff |
| (8) | For each hiring dropping passengers at the inner forecourt of the airport (Non-airport zoned taxis only)(THIRD PARTY CHARGES) | | £1.00 |
| (9) | For each hiring commencing at Aberdeen Railway Station. (THIRD PARTY CHARGES) | | £3.00 |
| (10) | A charge of £50 per incident of fouling a taxi. | | £0.50 |
| (11) | Where more than four passengers carried. | | Add 50% to basic tariff plus surcharges (excluding surcharges 4,7 and 8) |

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**.

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



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 30 NOVEMBER 2020

Basic Tariff

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

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) | £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:-
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 | | £1.00 |
| (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. (THIRD PARTY CHARGES) | | £1.00 |
| (8) | For each hiring dropping passengers at the inner forecourt of the airport (Non-airport zoned taxis only)(THIRD PARTY CHARGES) | | £3.00 |
| (9) | For each hiring commencing at Aberdeen Railway Station. (THIRD PARTY CHARGES) | | £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) |

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

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ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	10/11/2020
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Sexual Entertainment Venue Licensing
REPORT NUMBER	COM/20/190
CHIEF OFFICER	Fraser Bell
REPORT AUTHOR	Sandy Munro
TERMS OF REFERENCE	17

1. PURPOSE OF REPORT

- 1.1 To request the Committee consider amending the implementation date for the Sexual Entertainment Venue licensing regime.

2. RECOMMENDATION(S)

That the Committee:-

- 2.1 affirm the Resolution to introduce a licensing regime for Sexual Entertainment Venues in line with the previous decision made on 3rd December 2019; and
- 2.2 amend the date of implementation of the licensing regime to 1 December 2021

3. BACKGROUND

- 3.1 The Air Weapons and Licensing (Scotland) Act 2015 added new sections to the Civic Government (Scotland) Act 1982 and introduced an optional licensing scheme for local authorities to licence Sexual Entertainment Venues (SEVs) in their area.
- 3.2 A Sexual Entertainment Venue (SEV) is defined as any premises at which sexual entertainment is provided before a live audience. The most common examples are lap dancing or strip clubs, but the definition is sufficiently wide to cover other premises where sexual entertainment is provided. Premises where sexual entertainment is provided on no more than 4 occasions in a twelve-month period are exempt e.g. premises that cater for the occasional stag or hen party.
- 3.3 If the local authority decide to introduce SEV licensing in Aberdeen City it requires to specify a date from which this will take effect. This date requires to be at least 12 months from the date on which the resolution was passed. Not

less than 28 days prior to the commencement date the Council require to publish a notice advertising that they have passed a resolution to licence SEVs in the area and the general effect of the licensing provisions.

- 3.4 In this 12-month period the Council require to draft and publish an SEV policy statement. The policy statement will provide guidance on the details of the licensing system, including the types of premises to be licensed, the appropriate number of premises in each locality and suchlike. In order to formulate the policy, further consultation and evidence gathering exercises will be undertaken.
- 3.5 At the meeting on 3 December 2019 the Committee resolved to introduce SEV licensing and that it would be implemented on 1 January 2021.
- 3.6 As a result of the Covid-19 restrictions, evidence gathering has proved difficult. The online consultation failed to attract suitable evidence to a sufficient degree, and planned face to face consultations with relevant stakeholders have not been possible. Officers are making attempts to arrange virtual meetings where possible.
- 3.7 As this is a brand-new licensing regime it is considered imperative that any Policy Statement is based on the best evidence possible and delaying the implementation date provides officers with more time to gather that evidence to present to the Committee.
- 3.8 As stated above, the date of implementation requires to be at least 12 months after the Resolution. In order to ensure compliance with the legislation it is suggested that the date of effect is at least 12 months from the date of this meeting, and it would seem appropriate that the start of the month would be suitable.

4. FINANCIAL IMPLICATIONS

- 4.1 If the date of implementation is delayed there will be a delay in the receipt of any fees imposed for SEV licences.

5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications arising from the decision to delay implementation of the licensing regime.

6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Financial	No fees will be received until such time as the licensing	L	No fees are received at present so there will be no income lost.

	regime comes into effect.		
Legal	Existing and any new SEV premises could continue to operate meantime. Implementing policy without sufficient evidence could leave that policy open to challenge.	M	Premises which also sell alcohol would continue to be licensed by the Licensing (Scotland Act) 2005 and would also be subject to existing regulation in terms of Building Standards, Fire Safety, Environmental Health and Health and Safety. Recommendation is to delay implementation in order to obtain sufficient evidence.
Employee	N/A		
Customer	N/A		
Environment	N/A		
Technology	N/A		
Reputational	Delay in implementing the licensing regime may attract negative comment.	L	Implementing a Policy for a new licensing system without having adequate evidence on which to base that Policy would be a higher risk reputationally.

7. OUTCOMES

7.1 The proposals in this report have no impact on the Council Delivery Plan.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	Full EHRIA not required
Data Protection Impact Assessment	Not required

Duty of Due Regard / Fairer Scotland Duty	Not applicable
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9. BACKGROUND PAPERS

N/A

10. APPENDICES (if applicable)

N/A

11. REPORT AUTHOR CONTACT DETAILS

Sandy Munro
Licensing Team Leader
AleMunro@aberdeencity.gov.uk

ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	10/11/2020
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Taxi and Private Hire Policy Review
REPORT NUMBER	COM/20/191
CHIEF OFFICER	Fraser Bell
REPORT AUTHOR	Sandy Munro
TERMS OF REFERENCE	17

1. PURPOSE OF REPORT

- 1.1 To provide the Committee with details of the review of all taxi and private hire policies and seek approval to consult on the proposed changes.

2. RECOMMENDATION(S)

That the Committee:-

- 2.1 note the proposed policy changes detailed in Appendix 1;
- 2.2 instruct the Chief Officer – Governance to consult with the Trade and all relevant stakeholders on the proposed policy changes; and
- 2.3 report back to Committee on 16 March 2021 with the results of the consultation exercise.

3. BACKGROUND

- 3.1 Officers have undertaken a comprehensive review of all taxi and private hire policies and conditions with a view to consolidating all the information into one easily accessible document. This will benefit the trade, stakeholders and any relevant customers as all the relevant information would be held together in one place.
- 3.2 Since many of the policies date back several years there is an opportunity to update some areas in order to reflect the current operational practices and ensure that all policies are fit for purpose. Any proposed changes will require to be consulted upon with the trade and any relevant stakeholders, such as the Taxi and Private Hire Consultation Group.

3.3 A summary of all current policies and the proposed changes is attached as Appendix 1 to this report.

4. FINANCIAL IMPLICATIONS

4.1 Officer time will be required to undertake the consultation exercise, however this will be met from existing budgets

5. LEGAL IMPLICATIONS

5.1 There are no legal implications arising from this report.

6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Financial	N/A		
Legal	No legal risk will be incurred by undertaking the consultation exercise. Amending policies without consulting the trade may provide grounds for challenge.	L	Consultation with the trade is recommended prior to the introduction of any changes.
Employee	N/A		
Customer	N/A		
Environment	N/A		
Technology	N/A		
Reputational	Implementing policy changes without adequate consultation may result in reputational damage.	L	Consultation with the trade is recommended prior to the introduction of any changes.

7. OUTCOMES

7.1 The proposals in this report have no impact on the Council Delivery Plan.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	Full EHRIA not required
Data Protection Impact Assessment	Not required
Duty of Due Regard / Fairer Scotland Duty	Not applicable

9. BACKGROUND PAPERS

N/A

10. APPENDICES (if applicable)

10.1 Summary of proposed policy changes.

11. REPORT AUTHOR CONTACT DETAILS

Sandy Munro
Licensing Team Leader
AleMunro@aberdeencity.gov.uk

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Appendix 1

Current Policy or Practice	Proposed Policy or Practice	Reason for Change
Vehicle must be able to carry a minimum of 4 passengers and maximum of 8 passengers plus luggage in reasonable comfort.	Introduce minimum dimensions for the passenger compartment with regard to seat width, legroom and height clearance.	Removing the subjective nature of the term “reasonable comfort” and setting factual criteria for vehicles provides clarity for the trade.
Owner/registered keeper of the licensed vehicle requires to be the licence holder or named day-to-day manager.	Owner/registered keeper of the licensed vehicle requires to be the licence holder.	To ensure that the licence holder retains responsibility for the operation of the licensed vehicle and thus enhances public safety.
Vehicle licences are granted for 1 year and each vehicle must pass a maintenance check every 6 months. Where a vehicle is not tested timeously the licence holder is referred to the Licensing Committee for appropriate action to be taken.	Vehicle licences granted for 3 years in line with other Civic Government (Scotland) Act licences. Tests required every 6 months. Additional condition added to the licence stating that where a vehicle does not have a current test pass certificate the vehicle may not be used as a taxi or private hire vehicle.	This would cut down on administrative work for both the Council and the licence holder as renewal applications would only be required every 3 years as opposed to annually. A condition automatically preventing the operation of the vehicle where no test pass certificate is valid would mean fewer referrals to the Licensing Committee for administrative reasons.
The Council’s licensed area is split into 2 zones, City and Airport.	Abolish the zones and simply have one licence for the Council’s area.	This policy is no longer necessary. The Airport Management Company have direct control over the ranks on their land. Only approved vehicles are permitted to utilise the main rank at the terminal building, controlled via camera-controlled barriers. There are no zones specific to any of the other major airports in Scotland. This would also result in administrative savings to both the Council and licence holders.
CCTV policy only permitted certain models of equipment.	Updated policy provides minimum specifications for CCTV systems but does not restrict to particular makes or models.	Retains the purpose of the policy without being overly restrictive. Allows the trade a greater degree of choice whilst retaining the necessary controls.

No policy currently	Dress code introduced for taxi and private hire car drivers.	To create a more professional image of the trade, and as a result the city, in the eyes of tourists, business visitors and the resident population.
Applicants for a taxi or private hire car driver's licence who declare a medical condition or are aged over 65 years require to undergo a medical assessment to confirm they meet DVLA Group 2 medical standards. The cost is met by the Council and recouped via the setting of licence fees.	To require medical evidence to be provided in advance by all applicants. A 2-tier fee system is suggested, whereby applicants who provide their own medical evidence that they meet DVLA Group 2 standards with their application would pay a lower fee than those who require assessment by the Council's Occupational Health provider.	To ensure all drivers are medically fit to hold a licence. This would ensure that any unknown medical conditions would be picked up. This should also allow the taxi accounts to be more balanced, as currently there is a deficit in the taxi accounts due to the cost of medical assessments required, as the cost of these is not currently met by the licence application fee.
Separate conditions for each type of licence granted.	One document containing all licence conditions.	Many licence holders hold more than one type of licence. Having all conditions accessible in one document should avoid duplication, and make things simpler for the licence holder
Alternative fuelled vehicles are permitted to be licensed subject to certain criteria.	A requirement for all vehicles to be alternative fuelled vehicles by a set date.	In the context of the Council's decision to develop a Net Zero Transition Plan, the Chief Officer – Governance was asked to report to the Licensing Committee with proposals to consult with the taxi and private hire trade on options for transition to alternative powered vehicles. This will have to be considered alongside other policies such as the WAV policy and that on age of vehicles. The timescale will be partly dependent on the provision of suitable infrastructure to make the policy viable.
All new applications for a taxi licence must be in respect of a Wheelchair Accessible Vehicle (WAV) and all taxis require to be WAVs by 6 June 2023.	Policy is currently under review with a view to adopting a mixed fleet.	This will have to be looked at in conjunction with the alternative fuelled vehicles policy and that on age of vehicles.
At the original grant of licence, a vehicle cannot be more than 5 years old from its date of	No change proposed at present but will need to be examined to ensure compliance with carbon emission goals.	This policy will have to be looked at in conjunction with the WAV policy and that on alternative fuelled vehicles.

registration. WAV vehicles may be up to 10 years old.		
The limit on the number of licensed taxis is currently set at 1079.	No change proposed.	The number of licensed vehicles is currently well below the approved limit.
All taxis must have an approved meter which must be sealed by the licensing authority. The meter must be used for all taxi journeys within the licensed area, although need not be used for journeys which leave the licensed area. Private hire vehicles do not require to have a meter fitted but where they do, the same requirements apply.	No change proposed.	
Roof signs for taxis, unless in-built to the vehicle, must be supplied by the licensing authority. Roof signs are not permitted on private hire vehicles.	No change proposed.	
Advertising is permitted on taxis but not on private hire vehicles. Adverts must not be placed on windows or obscure any identification plates, notices or signs. Advertising which may be seen as offensive is prohibited as are adverts for alcohol or tobacco products.	No change proposed.	
The current Aberdeen City tariff card must be on display in all vehicles where it can be readily seen by passengers.	No change proposed.	
A spare wheel or breakdown kit must be carried in every vehicle unless run flat tyres are fitted. Where such measures are employed passengers must not be carried in the vehicle until the necessary repairs have been effected.	No change proposed.	
All applicants for a taxi or private hire driver's licence must first pass the Street Knowledge Test. A fee of £15 is charged for the test, with no	No change proposed to the policy. Officers are looking at the test itself following a request from the Taxi and Private Hire Consultation Group.	To examine the possibility of carrying over successful sections of an overall unsuccessful attempt to the following attempt.

limit on the number of attempts an applicant may sit.		
Vehicle types permitted (subject to WAV policy) are WAVs, saloon vehicles, estate vehicles derived from saloon and MPV.	No change proposed although the addition of minimum dimensions may prohibit some smaller vehicles that would otherwise have been permitted.	
All vehicles must always meet the specifications set out in the testing manual. Officers have delegated powers to amend the manual to reflect any change in legislation or industry standard.	No change proposed.	

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