

Public Document Pack



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

Town House,
ABERDEEN 10 January 2022

LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in **Council Chamber - Town House on TUESDAY, 18 JANUARY 2022 at 10.00 am**. This is a hybrid meeting and Members may also attend remotely.

Members of the press and public are not permitted to enter the Town House at this time. The meeting will be webcast and a live stream can be viewed on the Council's website. <https://aberdeen.public-i.tv/core/portal/home>

FRASER BELL
CHIEF OFFICER - GOVERNANCE

B U S I N E S S

NOTIFICATION OF URGENT BUSINESS

1.1. Urgent Business

DETERMINATION OF EXEMPT BUSINESS

2.1. Exempt Business

CONFIDENTIAL BUSINESS

3.1. Confidential Business

DECLARATIONS OF INTEREST

- 4.1. Declarations of Interest

DEPUTATIONS

- 5.1. Deputations

MINUTES AND COMMITTEE BUSINESS PLANNER

- 6.1. Minute of Previous Meeting of 14 December 2021, for Approval (Pages 5 - 10)
- 6.2. Minute of Meeting of the Licensing Sub Committee of 7 January 2022, for Approval (Pages 11 - 12)
- 6.3. Committee Business Planner (Pages 13 - 14)

APPLICATIONS FOR LICENCES - INCLUDING LIST OF APPLICATIONS

- 7.1. Renewal of a Licence for a House in Multiple Occupation - 82 Back Hilton Road (Pages 17 - 18)
- 7.2. New Licence for a House in Multiple Occupation - 52 Bannermill Place (Pages 19 - 20)
- 7.3. Renewal of a Licence for a House in Multiple Occupation - 34 Tailor Place (Pages 21 - 26)
- 7.4. Renewal of a Licence for a House in Multiple Occupation - 17 Westbank (Pages 27 - 36)
- 7.5. Grant of a Street Trader Licence - James Coleman - Riverside Drive, East Side 50m North of Stonehaven Road (Pages 37 - 38)
- 7.6. Renewal of a Taxi Licence - Stewart Gilchrist (Pages 39 - 40)

COMMITTEE REPORTS

- 8.1. Taxi Fare Review 2022 - COM/22/008 (Pages 41 - 52)

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 Street Trader Licence (Pages 55 - 58)
- 9.2. Renewal of a Taxi Driver Licence (Pages 59 - 60)
- 9.3. Request for Exemption from Age of Vehicle Policy (Pages 61 - 64)
- 9.4. Booking Office Licence (Pages 65 - 70)

EHRIAs related to reports on this agenda can be viewed [here](#)

To access the Service Updates for this Committee please click [here](#)

Website Address: 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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LICENSING COMMITTEE

ABERDEEN, 14 December 2021. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Reynolds, Convener; Councillor Malik, Vice Convener; and Councillors Allan, Bell, Delaney, Henrickson, Radley, 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. There were no declarations of interest intimated.

MINUTE OF PREVIOUS MEETING OF 26 OCTOBER 2021

2. The Committee had before it the minute of its previous meeting of 26 October 2021 for approval.

The Committee resolved:-

to approve 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:-

- (i) to note that a report relating to the 'Review of Taxi Ranks' would be added to the Business Planner; and
- (ii) to otherwise note the content of the Planner.

REQUEST FOR AN EXEMPTION OF A LATE HOURS CATERING LICENCE - MORRISONS PETROL FILLING STATION, WEST NORTH STREET

4. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the applicant was seeking an exemption under Section 42(5) Civic Government (Scotland) Act 1982 from requiring a Late Hours Catering Licence during the hours 23:00 to 00:00 from 20 December 2021 to 23 December 2021 inclusive.

LICENSING COMMITTEE

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The Committee heard Ms Karen Gatherum provide details of a statement of support submitted by the applicant's agent.

The applicant was not in attendance, nor represented.

The Committee resolved:-

to approve the exemption request.

LICENSING COMMITTEE ANNUAL EFFECTIVENESS REPORT - COM/21/318

5. The Committee had before it a report by the Chief Officer - Governance which presented the annual report of the Licensing Committee to enable Members to provide comment on the data contained within.

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 note the annual report of the Licensing Committee.

QUEEN STREET TAXI RANK PROPOSAL - COM/21/323

6. With reference to article 4 of the minute of meeting of 29 June 2021, the Committee had before it a report by the Chief Officer – Governance which provided the results of the consultation with Police Scotland, Aberdeen City Council Roads Department and the general public.

The report recommended:-

that the Committee –

- (a) consider the Consultation responses in Appendices 1 and 2;
- (b) reject the proposal for a taxi rank at Queen Street as unsuitable at present; and
- (c) incorporate the question of a further taxi rank in this area into the overall review of taxi ranks instructed by the Committee at its meeting on 26 October 2021.

The Committee resolved:-

- (i) to note the consultation responses in Appendices 1 and 2;
- (ii) to approve recommendation (b) above;
- (iii) to instruct the Chief Officer – Governance to undertake a further consultation exercise for the provision of a taxi rank (2 spaces) on the North Side of Queen Street; and
- (iv) to instruct the Chief Officer – Governance in consultation with the Roads Team to investigate options in relation to the provision of a taxi rank in the Upperkirkgate

LICENSING COMMITTEE

14 December 2021

area of the City and that a report in this regard be submitted to a future meeting of the Committee.

SEXUAL ENTERTAINMENT VENUE LICENSING - COM/21/324

7. With reference to article 3 of the minute of meeting of 29 September 2021, the Committee had before it a report by the Chief Officer – Governance which provided details of the policy statement for Sexual Entertainment Venues, together with information gathered from the public consultation for consideration and approval.

The report recommended:-

that the Committee –

- (a) consider the consultation responses in Appendix 1;
- (b) approve the draft Policy Statement in Appendix 2;
- (c) agree the terms of the Guidance Note for Applicants at Appendix 3; and
- (d) approve the fee structure contained in paragraph 3.5

The Committee resolved:-

- (i) to note the consultation responses in Appendix 1;
- (ii) to approve the draft Policy Statement in Appendix 2, (1) confirming that the appropriate upper limit number of venues for the City Centre Locality would be six; and (2) to include details relating to a consent register; and
- (iii) to approve recommendations (c) and (d) above.

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.

RENEWAL OF A TAXI DRIVER'S LICENCE (AGENDA ITEM 9.1)

8. The Committee had before it (1) an information sheet prepared by the Chief Officer – Governance, which advised that the application required to be determined by 17 June 2022; and (2) a letter of representation from the Chief Superintendent, Police Scotland, c/o North East Division dated 20 October 2021.

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:-

- (i) to grant the licence; and

LICENSING COMMITTEE

14 December 2021

- (ii) to instruct the Chief Officer – Governance in consultation with the Convener to write to the licence holder, expressing the Committee’s concerns in relation to the recent prosecution.

REQUEST FOR THE SUSPENSION OR REVOCATION OF A TAXI DRIVER'S LICENCE UNDER PARAGRAPH 11 (AGENDA ITEM 9.2)

9. The Committee had before it (1) an information sheet prepared by the Chief Officer – Governance, which advised that a request had been received under Paragraph 11, Schedule 1 of the Civic Government (Scotland) Act 1982 for the suspension or revocation of a Taxi Driver’s licence; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division dated 17 November 2021.

Sergeant Flett spoke in support of Police Scotland’s letter.

The licence holder responded to the details circulated in the letter.

Sergeant Flett and the Licence holder both summed up.

The Committee resolved:-

to suspend the licence.

The Convener then sought the views of both parties in relation to the appropriate length of suspension.

The Committee resolved:-

to suspend the licence for a period of eighteen months with immediate effect.

RENEWAL OF A TAXI DRIVER'S LICENCE (AGENDA ITEM 9.3)

10. The Committee had before it an information note prepared by the Chief Officer – Governance which advised that the application had to be determined by 7 January 2022.

The licence holder 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 to be held on 6 January 2022.

REQUEST FOR AN EXEMPTION FROM THE WHEELCHAIR ACCESSIBLE VEHICLE POLICY (AGENDA ITEM 9.4)

LICENSING COMMITTEE

14 December 2021

11. The Committee had before it (1) an information sheet prepared by the Chief Officer – Governance, which advised that the applicant was seeking an exemption to the current Committee Policy which stated that any new grant application for a taxi must be for a Wheelchair Accessible Vehicle; and (2) an email from the applicant indicating the grounds under which he was seeking the exemption.

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

The Committee resolved:-

to approve the exemption request.

REQUEST FOR AN EXEMPTION FROM THE AGE OF VEHICLE POLICY (AGENDA ITEM 9.5)

12. The Committee had before it (1) an information sheet prepared by the Chief Officer – Governance, which advised that the applicant was seeking an exemption to the Committee Policy that stated that the vehicle for any new grant application for a Private Hire must be no more than 5 years old; and (2) an email from the applicant indicating the grounds on which he was seeking the exemption.

The applicant was not in attendance, not represented.

The Committee resolved:-

to defer consideration of the request until the next meeting of the Committee.

- **COUNCILLOR JOHN REYNOLDS, Convener**

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LICENSING SUB COMMITTEE

ABERDEEN, 7 January 2022. Minute of Meeting of the LICENSING SUB COMMITTEE. Present:- Councillor Reynolds, Convener; and Councillors Bell and Radley.

The agenda 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. There were no declarations of interest intimated.

MINUTE OF PREVIOUS MEETING OF 6 JANUARY 2022, FOR APPROVAL

2. The Sub Committee had before it the minute of its previous meeting of 6 January 2022, for approval.

The Sub Committee resolved:-
to approve the minute.

CONFIDENTIAL INFORMATION

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

RENEWAL OF A TAXI DRIVER'S LICENCE

3. With reference to article 2 of the minute of its previous meeting of 6 January 2022, the Sub Committee had before it an information note prepared by the Chief Officer – Governance which advised that the application had to be determined by 7 January 2022.

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

The Sub Committee were advised that a letter from Albyn Medical Practice had been received, which indicated that the licence holder did meet the DLVA Group 2 medical standard, although confirmation from the Council's Medical Provider was still awaited.

LICENSING SUB COMMITTEE

7 January 2022

The Sub Committee resolved:-

to approve the licence

- **COUNCILLOR JOHN REYNOLDS, Convener**

	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			18 January 2022						
4	Taxi Fare Review 2022	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		Alan Thomson/ Karen Gatherum	Governance		17.3		
5			22 March 2022						
6	Review of Street Trader Licence Policy and Procedure	The Committee on 29/6/21 agreed to instruct the Chief Officer – Governance to undertake a review of the policies and procedures for Street Trader Licences and to submit a report to the Committee in this regard.	Originally due at the October 2021 meeting however officers requested a delay to allow for full investigation and public consultation of Street Trader policy conditions and advertising requirements. Likely to be submitted in March 2022, but may be sooner.	Sandy Munro	Governance	Commissioning	17.3		
7	Review of the Street Knowledge Test	The Committee on 26 October 2021 agreed to instruct the Chief Officer – Governance to report back to the Committee on the feasibility of a time limited modular street knowledge test at the meeting on 22 March 2022.		Sandy Munro	Governance	Commissioning	17.3		
8	Queen Street (North Side) and Upperkirkgate Taxi Rank Proposals	The Committee on 14/12/21 agreed to (1) instruct the Chief Officer – Governance to undertake a further consultation exercise for the provision of a taxi rank (2 spaces) on the North Side of Queen Street; and (2) instruct the Chief Officer – Governance in consultation with the Roads Team to investigate options in relation to the provision of a taxi rank in the Upperkirkgate area of the City and that a report in this regard be submitted to a future meeting of the Committee.		Sandy Munro	Governance	Commissioning	17.3		
9			15 June 2022						

	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									
10	No reports scheduled at this time.								
11			6 September 2022						
12	No reports scheduled at this time.								
13			15 November 2022						
14	No reports scheduled at this time.								
15			TBC						
16	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	Commissioning	17.3		
17	Review of Taxi Ranks	The Committee on 26/10/21 agreed to instruct the Chief Officer – Governance to undertake a Review of the Taxi Ranks in Aberdeen at the earliest opportunity following any Council decision being taken on the options for vehicle access on Union Street and the Spaces for People interventions in that area.		Sandy Munro	Governance	Commissioning			

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 (Renewal)	Aberdeen City Health and Social Partnership	82 Back Hilton Road, Aberdeen	HMO Unit	08/02/2022	18 January 2022	17-18
HMO APPLICATION (New)	Rashid Sharafutdinov	52 Bannermill Place, Aberdeen	HMO Unit	10/03/2022	18 January 2022	19-20
HMO APPLICATION (Renewal)	Kenneth Caithness + APL	34 Tailor Place, Aberdeen	1 Objection	05/09/2022	18 January 2022	21-26
HMO APPLICATION (Renewal)	Craig Durward + Parkhill Properties	17 Westbank, Aberdeen	4 Objections	07/11/2022	18 January 2022	27-36
Street Trader (Grant)	James Coleman	Riverside Drive, East Side 50m North of Stonehaven Road Trading Hours: Monday – Sunday 07.00 – 19.00 hrs	EH	25/01/2022	18 January 2022	37-38
Taxi Licence (Renewal) T085	Stewart Gilchrist	SF66 DSU	Legal	17/02/2022	18 January 2022	39-40

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LICENSING COMMITTEE INFORMATION SHEET

18 January 2022

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: ABERDEEN CITY HEALTH & SOCIAL CARE PARTNERSHIP

ADDRESS: 82 BACK HILTON ROAD, ABERDEEN

AGENT: NONE STATED

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 18 January 2022, is the last meeting before the one-year statutory deadline for determining this HMO licence application therefore if the property is still unsuitable for occupation as an HMO by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 18 January 2022. I will advise the Committee whether the applicant has satisfactorily completed the necessary work & certification requirements.

DESCRIPTION

The premises at No.82 Back Hilton Road, Aberdeen, is a 2-storey detached house with accommodation comprising a lounge, dining-room, 5 letting bedrooms, kitchen, toilet and 2 wet rooms. The applicant has requested an occupancy of 5 tenants, which is acceptable in terms of space and layout.

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'

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

OTHER CONSIDERATIONS

- The applicant is a Registered Social Landlord and, as such, is exempt from the requirements of Landlord Registration.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.82 Back Hilton Road.
- The extent of the above-mentioned work & certification requirements is as follows:
 - 1) The faulty double electrical socket at the fridge space to be replaced.
 - 2) The door-lock to bedroom No.5 to be adjusted as necessary.
 - 3) All self-closing doors to be inspected and adjusted as necessary to ensure that they fully close against their stops from all angles of swing. Particular attention to be paid to the door to letting bedrooms Nos.2.
 - 4) The water damage to the ceiling in the hallway to be made good and redecorated.
 - 5) Roof gutters to be cleared of vegetation and downpipes checked to ensure correct operation.
 - 6) The garden areas at the front, rear and gables of the property to be tidied up and kept in a tidy condition thereafter.

LICENSING COMMITTEE INFORMATION SHEET

18 January 2022

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (NEW)

APPLICANT: RASHID SHARAFUTDINOV

ADDRESS: 52 BANNERMILL PLACE, ABERDEEN

AGENT: NONE STATED

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 18 January 2022, is the last meeting before the one-year statutory deadline for determining this HMO licence application therefore if the property is still unsuitable for occupation as an HMO by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 18 January 2022. I will advise the Committee whether the applicant has satisfactorily completed the necessary work & certification requirements.

DESCRIPTION

The premises at No.52 Bannermill Place, Aberdeen, is a top-floor flat providing accommodation of 4 letting bedrooms, lounge, kitchen and bathroom. The applicant has requested an occupancy of 4 tenants, which is acceptable in terms of space and layout.

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'

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

OTHER CONSIDERATIONS

- The applicant is registered as a landlord with this Council and his registration includes No.52 Bannermill 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 Bannermill Place.
- The extent of the above-mentioned work & certification requirements is as follows:
 - 1) Additional electrical sockets to be installed throughout the flat.
 - 2) All self-closing doors to be inspected and adjusted as necessary to ensure that they fully close against their stops from all angles of swing. Particular attention to be paid to the doors to the lounge and letting bedrooms Nos.1 & 4.
- Because this is a new HMO licence application, the Scottish Fire & Rescue Service (SFRS) require to inspect the property to ensure that it is fire-safe and until such time as SFRS confirms to the HMO Unit that the property is fire-safe, a new HMO licence will not be granted. At the date of drafting this Information Sheet, no such confirmation had been received.

LICENSING COMMITTEE INFORMATION SHEET

18 January 2022

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: KENNETH CAITHNESS

AGENT: ABERDEEN PROPERTY LEASING LIMITED

ADDRESS: 34 TAILOR PLACE, 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.34 Tailor Place, Aberdeen, is a second-floor flat with accommodation comprising 3 letting bedrooms, one open plan public room and 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 Agent – one letter from the applicant’s Agent Aberdeen Property Leasing in response to the letter of representation/objection (Attached as Appendix C)

Members will note that Appendix B includes a letter of representation/objection and an e-mail. The letter did not state a reason for the objection to the application and legal advice was sought following which the objector was requested to provide reasons for his objection to the application. This resulted in the later e-mail being submitted. The letter was received within the statutory 21-day period, therefore Members are requested to consider the letter and the e-mail.

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

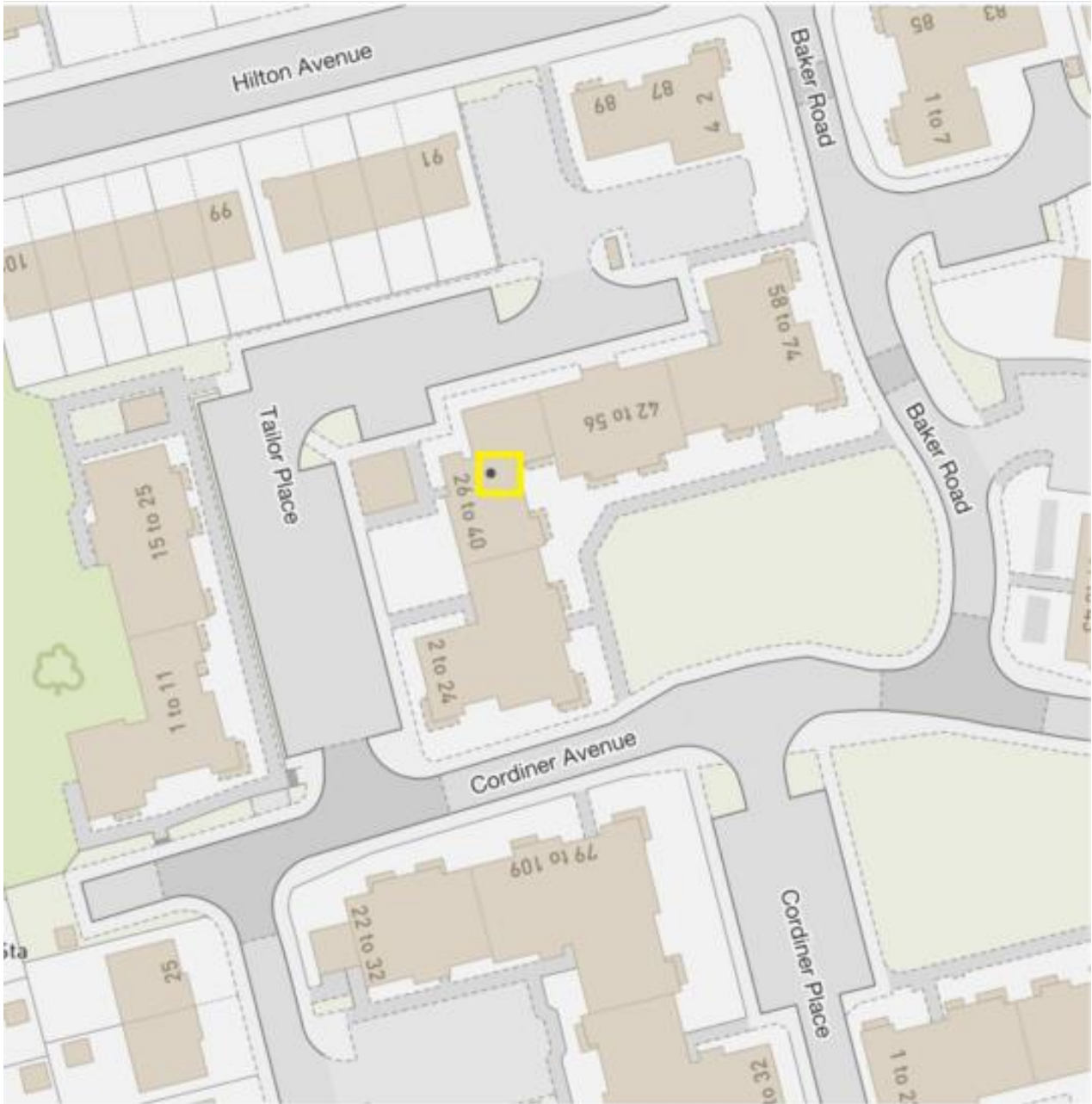
This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 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

- The applicant is registered as a landlord with this Council and his registration includes No.34 Tailor 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.34 Tailor Place.
- All upgrading work required by the HMO Officer, including certification, has been satisfactorily carried out.
- The applicant was first granted an HMO licence for No.34 Tailor Place in November 2015 and the application under consideration is his 2nd renewal application.
- There are currently 2 HMO-licensed flats in Tailor Place, ie. Nos.34 & 38.
- The later letter of objection includes 3 separate points about car parking and one point about the effect of an HMO on house prices. Members may wish to note that car parking and house prices are not considerations of HMO Licensing as they are not specifically mentioned in the Statutory Guidance.

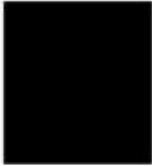
‘A’



'B'

September 23rd 2021

Raymond Andrew Gray



Aberdeen City Council
Housing & Environment
DATE RECEIVED
24 SEP 2021
Private Sector Housing Unit

Ref: HMO Address 34 Tailor Place, Aberdeen, AB24 4RU – HOU5361276372

I object to the above on Tailor Place.

Regards



Raymond Andrew Gray

From: Raymond Andrew Gray [REDACTED]
Sent: 12 October 2021 12:13
To: Ally Thain <ALLYT@aberdeencity.gov.uk>
Subject: HMO Licence - 34 Tailor Place, Aberdeen

Dear Mr Thain

Following your recent letter, the main reasons for my objection are as follows:

1. All residents on Tailor Place are allocated one car parking space per apartment, with multiple residents in 23 TP, this may not be possible thus causing more issues with limited parking, in particular between September and May.
2. In addition some of the apartments in that block now service Air B and B and during the summer parking is an issue.
3. Part of my monthly management fee is related to my parking space, and if I cannot park in Tailor place due to HMO property/s this would be unfair, to myself and my fellow homeowners.
4. As a homeowner and not a landlord or renter, the HMO will devalue my property.

Regards

Raymond Andrew Gray

'C'

34 Tailor Place

Stuart Carmie
 To: Ally Thain
 Cc: Allison Guyan; Stuart Carmie

Follow up. Start by 23 December 2021. Due by 23 December 2021.
 You replied to this message on 24/12/2021 12:54.

Thu 23/12/2021 16:52

Reply Forward

Dear Mr Thain

I am writing regarding the recent objection to our client Mr Kenneth Caithness's application to renew the HMO licence. We have factored this property with an HMO licence since 2015 and there have never been any reports of antisocial behaviour against any of the tenants. The present tenants have been there since May 2019, our routine inspections show that the property is being well cared for. The main objection seems to centre on car parking. Our tenants are advised that there is only one parking space per property – and the lease states that the property benefits from the use of "private parking space". The objection is vague and seems to assume that because there are 3 occupants they will abuse the parking. I'm sure there are many other properties in the development where there are more than one adult in the household and possibly own more than one car. I cannot see how a possible parking issue can be relevant in an HMO application and would hope that this will not be considered by the Licencing Committee.

I cannot see the relevance to other properties being used as Air B&B. This has nothing to do with Mr Caithness's flat and again I would ask the Licencing Committee not to take this into account.

Mr Caithness also pays management fee and is entitled to the use of one space. Again, the assumption that it would only be the occupants of the HMO property who would abuse the parking. As previously, I do not think this should affect the Licencing Committee's decision.

I do not see why an HMO in the development would devalue a property any more than Air B&B would and there seems to be no objection to Air B&B.

Regards

Stuart Carmie
 Lettings Director
 Landlord Registration Number 06119/100/16370
 Letting Agent Registration Number LABN19093098

LICENSING COMMITTEE INFORMATION SHEET

18 January 2022

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: CRAIG DURWARD

AGENT: PARKHILL PROPERTIES

ADDRESS: 17 WESTBANK, ABERDEEN

INFORMATION NOTE

This HMO licence application is on the agenda of the Licensing Committee for the reason that four letters of representation/objections were 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 under delegated powers for the reason that the necessary upgrading works & certification has not been completed.

DESCRIPTION

The premises at No.17 Westbank, Aberdeen, is a three-storey, end-terraced townhouse with accommodation comprising 4 letting bedrooms, one dining kitchen & 3 bathrooms. There is also an integral garage on the ground floor which is accessed from Westbank by a car runway in the front garden of the property. The car runway is of a suitable length to allow one car to be parked upon it. The applicant wishes to accommodate a maximum of 4 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 – four letters of representation/objections as follows:
 - Stuart & Wendy Leighton (Attached as Appendix B).
 - Victoria Smith (Attached as Appendix C).
 - PG Lorensen & JMM McKenzie-Lorensen (Attached as Appendix D).
 - Robert Kernaghan (Attached as Appendix E).

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

- The applicant is registered as a landlord with this Council and his registration includes No.17 Westbank.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.17 Westbank.
- All upgrading work required by the HMO Officer, including certification, has not yet been completed.
- The applicant was first granted an HMO licence for No.17 Westbank in July 2009 and the application under consideration is his 4th renewal application.
- There are no other Granted HMO's at Westbank.
- The letters attached as Appendixes B, C & D all concern car parking. Following receipt of these letters, advice was sought from the Council's Roads Infrastructure Manager who e-mailed the advice attached as Appendix F. This information was sent to all 4 objectors. Members may wish to note that car parking is not a consideration of HMO Licensing as it is not specifically mentioned in the Statutory Guidance. The legislation does however include "*possibility of undue public nuisance*" as a ground of refusal however legal remedies for prevention of illegal car parking already exist as detailed in Appendix F.

‘A’



‘B’



16 November 2021

HMO Unit
Early Intervention & Community Empowerment
Business Hub 6, First Floor South
Marischal College
Broad Street
ABERDEEN
AB10 1AB

Aberdeen City Council
Housing & Environment
DATE RECEIVED
18 NOV 2021
Private Sector Housing Unit

Dear Sir/Madam

NOTICE OF APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 17 WESTBANK, ABERDEEN, AB11 6TH – REFERENCE HOU5377094422

We wish to object to the above application for HMO for the above property.

Council records show a licence has been granted on four previous occasions. When the property has been occupied by multiple residents, owners/tenants in the development (16 properties including No 17) have had to deal with several vehicles being parked illegally (on double yellow lines and on pavement). The property has capacity for two vehicles – one in garage and one on driveway. This illegal parking has caused danger to owners/tenants as No 17 is on a blind corner. Owners/tenants have to negotiate the cars/vans parked on the road or have to dismount the pavement and walk on the road because vehicles have been parked across the pavement which is a safety hazard, particularly to residents who have young children, during winter months and when dark. With the exception of dedicated parking spaces allocated to each property, all other areas of the development are marked with double yellow lines. Our understanding is the development has double yellow lines to a) provide clear and sufficient access to emergency service vehicles, b) allow ease of access to the communal refuse/recycling area and c) to avoid non-resident parking in the development.

It should be noted that the concerns noted above do not affect the applicant as he is a non-resident owner.

Should the licence be granted, we request it is conditional upon applicant's tenants adhering to legal parking restrictions (ie no parking on double yellow lines or pavement), parking provisions for the property (ie one in garage and one on driveway), and any additional vehicles require to be parked on the public roads nearby using pay and display or by purchasing a resident's parking permit (as all other owners/tenants are obliged to do).

Yours faithfully



STUART LEIGHTON



WENDY LEIGHTON

From: Victoria Smith
Sent on: Sunday, November 20, 2021 4:05:06 PM
To: HMOUnit <HMOUnit@aberdeen.gov.uk>
Subject: Notice of Application, 17 Westbank Aberdeen AB11 6TH, Reference HOUSJ77094422

Follow up: Follow up
Follow up status: Completed
Completed on: Monday, November 22, 2021 10:48:00 AM

Dear Sir/Madam,

We wish to object the application for the proposed HMO at 17 Westbank Aberdeen AB11 6TH, when the property has been occupied by multiple individuals this has resulted in several vehicles being parked in an unsafe (on pavements) and illegal (parked on double yellow lines) areas in the estate.

This is a threat to safety of the residents driving their cars to get to/from their homes, but also for residents who are walking as they have to dismount the pavement and walk on the road to pass the vehicles. The cars have been parked at the entrance to the estate the cars resulting in a blind corner and this increased the risk that an accident could occur and is a threat to public safety should the licence be granted we request that it is conditional the tenants adhere to the legal parking restrictions in place, which all other residents respect and adhere to.

Kind Regards
Victoria
Victoria Smith

'C'

'D'



19 November 2021

HMO Unit,
Early Intervention and Community Empowerment,
Business Hub 6, First Floor South,
Marischal College,
Broad Street,
Aberdeen
AB10 1AB

Dear Sir / Madam,

**Notice of Application for a Licence for a House in Multiple Occupation – 17 Westbank,
Aberdeen AB11 6TH – Reference HOUS377094422**

We wish to object to the above application for HMO for 17 Westbank, Aberdeen AB11 6TH –
Reference HOUS377094422.

On previous occasions when the property has been used for multiple occupancy there have been repeated problems caused by the tenants of 17 Westbank parking cars illegally on the double yellow lines around the property, including parking partially on the pavement. As well as inconveniencing the other residents in the street this also presents a potential access and egress risk to emergency vehicles, and service vehicles.

We would suggest that if this parking issue does not constitute sufficient grounds to reject the application, that the conditions of granting the Licence for a House in Multiple Occupation (the Licence) should include a special condition to the effect that the owner of the property shall provide parking permits for the tenants to allow for street parking in Fonthill Road, or Fonthill Terrace. Further, failure to provide the tenants with such parking permits as per the special condition of the Licence would constitute a breach of the Licence and result in withdrawal of the Licence.

We look forward to your response.

Yours faithfully,



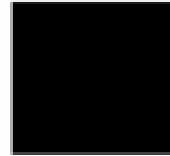
PG Lorensen



JMM McKenzie-Lorensen

Aberdeen City Council
Housing & Environment
DATE RECEIVED
22 NOV 2021
Private Sector Housing Unit

'E'



19 November 2021

HMO Unit
Early Intervention & Community Empowerment
Business Hub 6, First Floor South
Marischal College
Broad Street
ABERDEEN
AB10 1AB

Dear Sir/Madam

NOTICE OF APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 17 WESTBANK,
ABERDEEN, AB11 6TH – REFERENCE HOUS37709422

In common with many other property owners in the Westbank development, I wish to object to the above application for HMO for the above property.

The development is small and secluded with a mix of retirees and young families as owners/occupiers. Thus, it is totally unsuited to an HMO which would spoil the development for the rest of the owners.

I would be most grateful if you would consider what is best for the development and the people who live there as a whole and reject this application which is solely for the financial benefit of one home owner who chooses not to live in the estate himself.

Yours faithfully,



Robert Kermaghan

Aberdeen City Council
Housing & Environment
DATE RECEIVED
22 NOV 2021
Private Sector Housing Unit

From: [REDACTED]
Sent: 23 November 2021
To: [REDACTED]
Subject: RE: 17 WESTBANK, ABERDEEN - HMO OBJECTION QUERY
[REDACTED]

The Westbank development is a private development where the roads and footpaths within the development are adopted.

I've attached a plan showing the adopted areas in red and the locations of the "at any time" or double yellow lines.

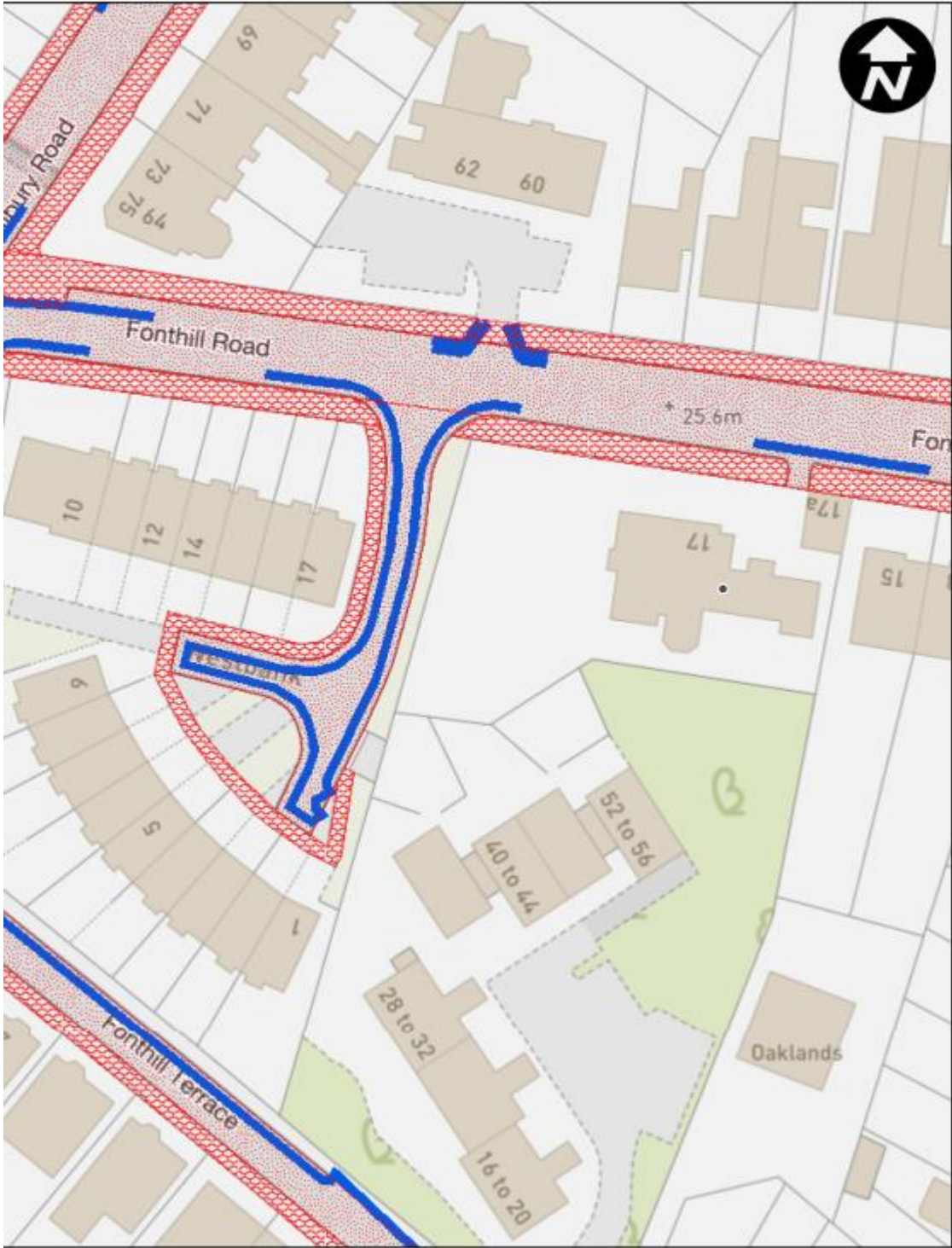
The development also sits within Controlled parking zone V where each property is permitted up to a maximum of two residential parking permits (one of which must be fixed to a registration number and the other can be a flexible permit)

These residential properties are mainly town houses with an additional driveway; therefore, each resident can use the garage and driveway, but also apply for a maximum of two permits.

What they can't do is park on the "at any time" restrictions and if they do, they may receive a Penalty Charge Notice (PCN) from our City Wardens. The residents should report any indiscriminate parking on these lines to [REDACTED] and his team.

If any vehicles are causing an obstruction, then this must be enforced by Police Scotland.

'F'



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LICENSING COMMITTEE INFORMATION SHEET 18 JANUARY 2022

TYPE OF APPLICATION: GRANT OF A STREET TRADER'S LICENCE (EMPLOYER)
APPLICANT: JAMES COLEMAN

DESCRIPTION

- The application requires to be determined by 25 January 2022

CONSULTEES

- Roads
- Police Scotland
- Environmental Health

OBJECTIONS/REPRESENTATIONS

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

COMMITTEE GUIDELINES/POLICY

N/A

GROUNDS FOR REFUSAL

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

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LICENSING COMMITTEE INFORMATION SHEET

18 JANUARY 2022

INFORMATION NOTE

Applicant: Stewart George Gilchrist Licence: T085
Must be determined by 17/02/2022

Vehicle SF66 DSU has not passed a hackney as required under Licensing Committee policy (one of the 2 required tests must be passed around the renewal date of the licence) and Taxi Licence Condition 5. The Vehicle was required to undergo a taxi test on 09/03/2022 and was not presented for testing and the licence holder did not contact licensing to arrange another test.

In addition, the licence holder has breached Section 11 (1) of the Civic Government (Scotland) Act 1982 by not producing the vehicle for testing as required by the Local Authority.

As the safety and condition of the vehicle cannot be confirmed, the licence renewal cannot be granted.

DESCRIPTION

Renewal Taxi Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

A licensed vehicle must pass 2 hackney tests per year, one of which must be around the date of the licence renewal, as per Licensing Committee policy.
Taxi Licence condition 5 requires that a vehicle be tested twice per year.
Section 11(1) of Civic Government (Scotland) Act 1982 requires a licence holder to produce a vehicle for inspection as required by the Local Authority.

GROUNDS FOR REFUSAL

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

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

(i)for the time being disqualified from holding a licence, or
(ii)not a fit and proper person to be the holder of the licence;

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

and otherwise shall grant the application.

ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	18 January 2022
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Taxi Fare Review 2022
REPORT NUMBER	COM/22/008
DIRECTOR	Gale Beattie
CHIEF OFFICER	Fraser Bell
REPORT AUTHOR	Karen Gatherum
TERMS OF REFERENCE	17.3

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 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
- 2.3 Instructs the Chief Officer-Governance to submit a report to the Licensing Committee on 22 March 2022 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 31 May 2022.

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 27,926 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 60% saloon cars and 40% wheelchair accessible vehicles. The vehicle cost is based on the weighted average costs of a typical saloon car (Toyota Corolla Hybrid) and a typical accessible vehicle (Peugeot Rifter). 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 HPI website is 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, most costs have increased since the last review took place in October 2020.

Component of Index	Annual Cost 2020	Annual Cost 2022	% Change 2020-2022
Vehicle Cost	4,635	5,067	9.31%
Replacement Parts	877	919	4.79%
Tyres	658	766	16.41%
Service Labour	481	748	55.51%
Fuel	1,879	2,694	43.37%
Insurance	1,300	1,430	10.00%
Miscellaneous	375	370	-1.33%
Total Operating Costs	10,205	11,994	14.92%
Average National Earnings	36,611	30,472	-16.77%
National Insurance	159	164	3.14%
Grand Total	46,975	42,630	-10.19%

3.3.2 However, the pandemic has had an impact on the figures this year. The cost of fuel has increased greatly but this has been countered by the drop in the Average National Wage. Therefore, the formula has calculated a decrease in fares of 10.19%.

3.4 Options

3.4.1 **Option A:** Agrees to no change to the current tariff; (See Appendix 1)

OR

3.4.2 **Option B:** Agrees to decrease the basic tariff; (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 22 December 2021 for their comments. There were no responses to the initial consultation at the time of writing.

4.2 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. 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.

- 4.3 Following the consultation, it is proposed that a report summarising the responses received would be submitted to the Licensing Committee on 22 March 2022. At that time the Committee will be invited to make a final decision on any changes to the fare scales to be fixed on 31 May 2022.

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 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 any 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 October 2020 and the tariff and surcharges took effect on 30 November 2020. Therefore, the review must be completed, and the scales fixed no later than 31 May 2022. Unless a further review is requested by the Taxi Trade Representatives and agreed by members of the Licensing Committee.
- 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

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk	There is no strategic risk to Aberdeen City Council arising from the recommendations in 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 to Aberdeen City Council arising from the recommendations in this report	L	
Financial	There is no financial risk to Aberdeen City Council arising from the recommendations in this report	L	
Reputational	As a licensing authority there would be a reputational risk to the Council if it failed to undertake its legal obligation and	L	As this report is introducing the review for consultation within the statutory time period any risk is mitigated.

	not carry out the review.		
Environment / Climate	There is no risk to the environment arising from the recommendations of this report	L	

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
	Impact of Report
Aberdeen City Council Policy Statement	Not applicable
Aberdeen City Local Outcome Improvement Plan	
Prosperous Economy Stretch Outcomes	Not applicable
Prosperous People Stretch Outcomes	Not applicable
Prosperous Place Stretch Outcomes	Not applicable
Regional and City Strategies	Not applicable
UK and Scottish Legislative and Policy Programmes	The report sets out the procedure to review Taxi fares as per S17 of the Civic Government (Scotland) Act 1982

8. IMPACT ASSESSMENTS

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

10. APPENDICES

- 10.1 Appendix 1- Current Taxi Fare Tariff
- 10.2 Appendix 2- Proposed Taxi Fare Tariff

11. REPORT AUTHOR CONTACT DETAILS

Name	Karen Gatherum
Title	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 30 MAY 2022

Basic Tariff

- | | | |
|-----|-------------------------------------------------------|--------------|
| (A) | For the FIRST 940 yards | £2.34 |
| (B) | For every additional 178 yards (Time Locked in Meter) | £0.20 |

Extras

(A) **Waiting**

A sum calculated at the rate of £22.09 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.

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

ABERDEEN
CITY COUNCIL

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 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.
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