

Public Document Pack



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

Town House,
ABERDEEN 14 March 2022

LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in Council Chamber - Town House on **TUESDAY, 22 MARCH 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

BUSINESS

NOTIFICATION OF URGENT BUSINESS

1.1. Urgent Business

DETERMINATION OF EXEMPT BUSINESS

2.1. Exempt Business

DECLARATIONS OF INTEREST AND TRANSPARENCY STATEMENTS

3.1. Declarations of Interest and Transparency Statements

DEPUTATIONS

- 4.1. Deputations

MINUTES AND COMMITTEE BUSINESS PLANNER

- 5.1. Minute of Previous Meeting of 18 January 2022, for Approval (Pages 5 - 12)

- 5.2. Minute of Meeting of Taxi and Private Hire Car Consultation Group of 3 March 2022 (Pages 13 - 18)

Please note that there are requests from the Consultation Group which require Committee consideration.

- 5.3. Committee Business Planner (Pages 19 - 20)

NOTICES OF MOTION

- 6.1. Notices of Motion

REFERRALS FROM COUNCIL, COMMITTEES AND SUB COMMITTEES

- 7.1. Referrals from Council, Committees or Sub Committees

APPLICATIONS FOR LICENCES - INCLUDING LIST OF APPLICATIONS

- 8.1. Renewal of a Licence for a House in Multiple Occupation - 123a Spital
(Pages 23 - 26)

- 8.2. New Licence for a House in Multiple Occupation - 179 Skene Street (Pages 27 - 30)

- 8.3. Renewal of a Licence for a House in Multiple Occupation - 1 Abbotswell Drive (Pages 31 - 34)

- 8.4. Renewal of a Licence for a House in Multiple Occupation - 92D King Street
(Pages 35 - 36)

- 8.5. Renewal of a Licence for a House in Multiple Occupation - Flat C, 14 Wellington Street (Pages 37 - 40)

- 8.6. New Licence for a House in Multiple Occupation - 625 King Street (Pages 41 - 44)

- 8.7. Renewal of a Licence for a House in Multiple Occupation - 15 Viewfield Avenue (Pages 45 - 46)
- 8.8. Renewal of a Licence for a House in Multiple Occupation - 13 Viewfield Avenue (Pages 47 - 50)
- 8.9. Renewal of a Licence for a House in Multiple Occupation - 11 Sunnyside Terrace (Pages 51 - 54)
- 8.10. Renewal of a Licence for a House in Multiple Occupation - 61 Leslie Road (Pages 55 - 64)
- 8.11. Request for Exemption from Age of Vehicle Policy - Steve Smith (Pages 65 - 68)

COMMITTEE REPORTS

- 9.1. Queen Street Taxi Rank Proposal - COM/22/066 (Pages 69 - 82)
- 9.2. Review of Street Trader Policy - COM/22/062 (Pages 83 - 94)
- 9.3. Taxi Fare Review 2022 - COM/22/067 (Pages 95 - 100)
- 9.4. Taxi and Private Hire Car Conditions - COM/22/065 (Pages 101 - 106)

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.

- 10.1. New Landlord Registration (Pages 109 - 112)
- 10.2. Request for Suspension or Revocation (Paragraph 11) of a Street Trader Licence (Pages 113 - 118)
- 10.3. Request for Suspension or Revocation (Paragraph 11 & 12) of a Taxi Driver Licence (Pages 119 - 126)
- 10.4. Booking Office Licence Review (Pages 127 - 196)

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

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LICENSING COMMITTEE

ABERDEEN, 18 January 2022. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Reynolds, Convener; Councillor Malik, Vice Convener; and Councillors Allan, Bell, Delaney, Henrickson, Radley 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.

VALEDICTORY

1. Following her announcement that she was retiring, and that this would be her last Licensing Committee meeting, the Convener wished to express his thanks to Sergeant Gillian Flett, Police Scotland for her contribution and support of the Committee over the last few years.

The Committee resolved:-

- (i) to concur with the Convener; and
- (ii) to note that Sergeant Neil Grant would replace Sergeant Gillian Flett as Licensing Sergeant.

DECLARATIONS OF INTEREST

2. There were no declarations of interest intimated.

DEPUTATION BY RUSSELL MCLEOD, RAINBOW CARS LTD

3. The Committee had before it a deputation from Mr Russell McLeod, Rainbow Cars Limited in relation to agenda item 8.1 (Taxi Fare Review 2022).

The Committee resolved:-

to hear the deputation prior to consideration of the report. (Article 13 of this minute refers)

MINUTE OF PREVIOUS MEETING OF 14 DECEMBER 2021, FOR APPROVAL

4. The Committee had before it the minute of its previous meeting of 14 December 2021, for approval.

The Committee resolved:-

to approve the minute.

LICENSING COMMITTEE

18 January 2022

MINUTE OF MEETING OF THE LICENSING SUB COMMITTEE OF 7 JANUARY 2022, FOR APPROVAL

5. The Committee had before it the minute of meeting of the Licensing Sub Committee of 7 January 2022, for approval.

The Committee resolved:-

to approve the minute.

COMMITTEE BUSINESS PLANNER

6. The Committee had before it the Committee Business Planner as prepared by the Chief Officer – Governance.

The Committee resolved:-

to note the content of the Business Planner.

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 82 BACK HILTON ROAD

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

NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 52 BANNERMILL PLACE

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

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 34 TAILOR PLACE

9. The Committee had before it a report by the Private Sector Housing Manager, which advised that the application was before the Committee for the reason that one letter of representation had been submitted.

The applicant's agent, Mr Stuart Carnie was in attendance and spoke in support of the application and responded to questions from members of the Committee.

The respondent was not in attendance, nor represented.

The Committee resolved:-

to grant the licence.

LICENSING COMMITTEE

18 January 2022

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 17 WESTBANK

10. The Committee had before it a report by the Private Sector Housing Manager, which advised that the application was before the Committee for the reasons that (1) four letters of representation had been submitted; and (2) the necessary upgrading works and certification had not been completed.

By way of preliminary matters, Mrs Jocelyn Janssen, Landlord Registration Officer advised that Mr Robert Kernaghan had withdrawn his representation (Appendix E to the report); and that another responder, Ms Victoria Smith, wished to submit correspondence (dated 16 January 2022) into the proceedings, as she was unable to attend the meeting today.

The applicant and the remaining two responders were not in attendance, nor represented.

The Committee resolved:-
to accept the correspondence into proceedings.

The Committee were also advised that the necessary upgrading works and certification had now been completed.

The Committee resolved:-
to grant the licence.

GRANT OF A STREET TRADER LICENCE - JAMES COLEMAN - RIVERSIDE DRIVE, EAST SIDE 50M NORTH OF STONEHAVEN ROAD

11. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the application required to be determined by 25 January 2022.

The applicant was not in attendance, nor represented.

Mr Andrew Gilchrist, Principal Environmental Health Officer indicated that some minor outstanding work was required to be undertaken by the applicant prior to a Certificate of Compliance being issued.

The Committee resolved:-
to defer consideration of the application until Environmental Health have undertaken a further inspection for the Certificate of Compliance, after which time the Chief Officer – Governance could grant the licence under delegated powers if appropriate, or otherwise that the application be referred to a meeting of the Licensing Sub Committee on 25 January 2022 at 2.00pm, for consideration.

LICENSING COMMITTEE

18 January 2022

RENEWAL OF A TAXI LICENCE - STEWART GILCHRIST

12. The Committee had before it an information note prepared by the Chief Officer – Governance which advised (1) that the application had to be determined by 17 February 2022; (2) that the vehicle had not passed the hackney as required under the Licensing Committee Policy; and (3) that the licence holder had breached Section 11(1) of the Civic Government (Scotland) Act 1982 by not producing the vehicle for testing as required by the Local Authority.

The licence holder was not in attendance, nor represented.

The Committee resolved:-

to refuse the licence.

TAXI FARE REVIEW 2022 - COM/22/008

13. (A) With reference to article 3 of the minute above, the Committee received a deputation from Mr Russell McLeod.

Mr McLeod (1) advised that there was a need to achieve a process where the trade did not have to wait for a Fare Review to be instigated each time Aberdeen International Airport (AIA) decided to increase their charges for Taxi Drivers to drop off and pick up customers from the Airport; (2) explained that in simplistic terms, whatever AIA were charging Taxi Drivers, they should be allowed to pass that on to the customer; (3) referred to Aberdeenshire Council's Taxi Tariff Card, which allowed Aberdeenshire Taxi Drivers to do this and suggested that Aberdeen City Council's Taxi Tariff Card should mirror this; (4) indicated that currently, to pick up a customer at AIA, Aberdeen Taxi Drivers were not permitted to pass on the Car Park Charge to their customers and at present the minimum charge to exit the Airport Car Park was £4; and (5) suggested that a maximum charge of whatever the Drop Off charge was, should be permitted to be passed onto the customer, (currently £3).

Mr McLeod sought a change to the fare following two years of a global pandemic. He made reference to average national earnings, vehicle costs, low hybrid and electric taxi car fleet usage, fuel costs, the furlough scheme, job losses, loss of earnings and the predicted cost-of-living increase.

Mr McLeod requested that the Committee consider the following taxi fare changes:-

- First 940 Yards: £2.80 (currently £2.60);
- Every Additional 160 Yards: £0.20 (unchanged);
- Waiting: £26.00 per hour (currently £24.60)
- Tariff Card should allow driver to add whatever the current Third Part Charge was for dropping at AIA;

LICENSING COMMITTEE

18 January 2022

- Any pre-booked hire from the Airport, the driver should be permitted to charge whatever the current rate was for drop off area as a maximum charge; and
- Taxi Fare Review to be undertaken every 12 months (currently 18 months).

Mr McLeod responded to questions from the Committee.

The Committee resolved:-

to note the deputation by Mr McLeod and to thank him for his contribution.

(B) The Committee had before it a report by the Chief Officer – Governance, which provided 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.

The report recommended:-

that the Committee –

- approve 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;
- 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
- instruct 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.

The Convener, seconded by the Vice Convener moved:-

that the Committee –

- approve Option A detailed at section 3.4 of the report as the proposed scale to be advertised for the taxi fare review in terms of section 17 of the Civic Government (Scotland) Act 1982, subject to replacing the wording at conditions (7) and (8) of the current Taxi Fare Tariff, to read “Airport Booking Fee – Taxi Drivers may add any current charge incurred at Airports when either dropping off or picking up passengers. Drivers must make passengers aware in advance that extra charges may be added to the fare; and
- otherwise approve recommendations (b) and (c) above.

Councillor Delaney, moved as an amendment:-

that the Committee –

- approve Option A detailed at section 3.4 of the report as the proposed scale to be advertised for the taxi fare review in terms of section 17 of the Civic Government (Scotland) Act 1982, subject to amending the wording in the Taxi Fare Tariff to include the Airport drop off charge (as set by Aberdeen

LICENSING COMMITTEE

18 January 2022

- International Airport) and a charge, equivalent to that same amount, for picking up from the Airport; and
- (2) otherwise approve recommendations (b) and (c) above.

In terms of Standing Order 29.12, as Councillor Delaney had no seconders, the amendment fell.

The Committee resolved:-

- (i) to approve Option A detailed at section 3.4 of the report as the proposed scale to be advertised for the taxi fare review in terms of section 17 of the Civic Government (Scotland) Act 1982, subject to replacing the wording at conditions (7) and (8) of the current Taxi Fare Tariff, to read “Airport Booking Fee – Taxi Drivers may add any current charge incurred at Airports when either dropping off or picking up passengers. Drivers must make passengers aware in advance that extra charges may be added to the fare”; and
- (ii) to otherwise approve recommendations (b) and (c) 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 STREET TRADER LICENCE (AGENDA ITEM 9.1)

14. The Committee had before it (1) an information note prepared by the Chief Officer – Governance in respect of the application; (2) two character reference letters from NHS Grampian and Aberdeenshire Health and Social Care Partnership dated 12 and 18 January 2022; and (3) a letter of representation from the Chief Superintendent, Police Scotland, c/o North East Division, dated 22 December 2021.

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

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

Sergeant Flett and the applicant both summed up.

The Committee resolved:-

to grant the licence.

LICENSING COMMITTEE

18 January 2022

RENEWAL OF A TAXI DRIVER LICENCE (AGENDA ITEM 9.2)

15. The Committee had before it an information note prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 8 March 2022.

The licence holder was not in attendance, nor represented.

The Committee resolved:-

to refuse the licence.

REQUEST FOR EXEMPTION FROM AGE OF VEHICLE POLICY (AGENDA ITEM 9.3)

16. The Committee had before it 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 saloon vehicle to be licensed as a taxi or private hire car must be no older than 5 years old from the date of registration.

The applicant was in attendance and spoke in support of his request and answered questions from members of the Committee.

The Committee resolved:-

to approve the request for exemption from the Age of Vehicle Policy.

BOOKING OFFICE LICENCE (AGENDA ITEM 9.4)

17. The Committee were advised that this item had been deferred until the next meeting.

- **COUNCILLOR JOHN REYNOLDS, Convener.**

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TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP

ABERDEEN, 3 March 2022. Minute of Meeting of the TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP. Present:- Councillor Reynolds, Chairperson; and Councillor Henrickson; John Clark (Unite), Chris Douglas (Aberdeen Taxis), Stewart Duncan (Airport) and Russell McLeod (Rainbow City Taxis).

In attendance:- Ian Duthie (Police Scotland), Arlene Dunbar, David McKane, Sandy Munro, Alan Thomson (Licensing Team), Derek Jamieson and John Weir (Fleet Services), Fiona Conti (Procurement and Commissioning) and Will Hekelaar (Strategic Place Planning), Mark Masson and Gogo Okafor (Committee Services).

MINUTE OF PREVIOUS MEETING OF 13 OCTOBER 2021 FOR APPROVAL

1. The Consultation Group had before it the minute of its previous meeting of 13 October 2021.

The Consultation Group resolved:-
to approve the minute as a correct record.

CITY CENTRE MASTERPLAN PUBLIC TRANSPORT FORUM MINUTES

2. The Consultation Group had before it the minute of the City Centre Masterplan Public Transport Forum of 16 January 2022, for information.

The Consultation Group resolved:-
to note the minute.

ENFORCEMENT OFFICER REPORT

3. The Consultation Group had before it for consideration, the Enforcement Officer's report which provided details relating to Taxi/Private Hire Car issues and information.

Mr McKane highlighted the main issues from his report, including (a) advising that full enforcement activity would commence within the next few weeks; (b) outlining the current numbers of Licensed Vehicles and Drivers; and (c) providing details of the current position in relation to taxi ranks in Aberdeen.

Dave McKane made reference to the recent Council decision on 28 February 2022 to reopen Union Street and to initiate the consultation process to re-establish the taxi rank stances on Back Wynd and the night time taxi rank on Union Street at St Nicholas churchyard.

The Chairperson advised that arrangements to reopen Union Street would likely take approximately 12 weeks due to the works at the previous British Home Stores building and Union Terrace Gardens.

During discussion, the following was noted:-

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP
3 March 2022

- that new signage on Union Street Central/East should state “Authorised Vehicles Only” or similar, which would ensure entry for private hire taxi vehicles;
- that officers were currently preparing a report relating to the review of the street knowledge test, including benchmarking with other local authorities;
- that there was a current shortage of taxi and private hire car drivers in the taxi trade; and
- that further discussion would be required to investigate whether it would be appropriate to approach taxi drivers whose taxi driver licenses may have recently expired/lapsed as a result of the pandemic to encourage them to return to the taxi trade.

The Consultation Group resolved:-

- (i) to note that officers would consider appropriate wording for Union Street (Central and East) signage, which would include authorisation for private hire taxi vehicles as well as taxi driver vehicles;
- (ii) to note that a report on the review of the street knowledge test would likely be submitted to the Licensing Committee on 15 June 2022; and
- (iii) to otherwise note the information contained within the report.

ENFORCEMENT OFFICER VERBAL REPORT ON GROUP MEMBERSHIP

4. The Consultation Group heard from Sandy Munro, Licensing Legal Adviser in relation to the membership of the Group.

Sandy Munro advised that three independent taxi drivers had recently expressed an interest in joining the Group as members, however as there was only one ‘Independent Driver’ vacancy, it was unclear in the Group’s remit how we should proceed to make an appointment.

In addition, it was noted that the role of an ‘Independent Driver’ representative was less well defined in the remit of the group.

The Chairperson suggested that a change in the membership may be the way forward.

The Consultation Group resolved:-

to request the Licensing Committee to consider amending the membership of the Taxi and Private Hire Consultation Group to have representation from three ‘Independent Drivers’ and to invite those three members who expressed an interest to join the group.

VERBAL UPDATE ON LOW EMISSION ZONE - WILLIAM HEKELAAR

5. The Consultation Group received a presentation from Will Hekelaar, Senior Engineer, Strategic Place planning in relation to the Aberdeen Low Emission Zone (LEZ).

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP
3 March 2022

The Group were provided with the following details in relation to Low Emission Zone Boundary which included the following factors to determine these:-

- Ongoing engagement with a range of stakeholders;
- 2 rounds of public and stakeholder consultation (Autumn 2020 and Summer 2021);
- Traffic and Emission modelling, including routeing considerations;
- Alternative futures testing; and
- Outcomes of the formal objection period in November 2021.

Will Hekelaar (a) advised that The LEZ would apply to all motorised vehicles other than motorcycle and mopeds and outlined which vehicles would be compliant; (b) explained that it was Aberdeen City Council's intention to introduce the LEZ on 30 May 2022, however there would be a two-year grace period (during which enforcement of the LEZ would not take place); and (c) intimated that this would apply for both residents and non-residents of the LEZ area and for all non-exempt vehicle types, meaning enforcement would commence on 1 June 2024.

Will Hekelaar responded to questions in relation to army/military vehicle exemptions and grants available for engine retrofitting.

The Consultation Group resolved:-

- (i) to note that Will Hekelaar would circulate details to the Chairperson in relation to LPG Console conversions;
- (ii) to note that details in relation to the Scottish Government Scheme to assist with retrofits had been circulated to the taxi trade; and
- (iii) to otherwise note the information provided.

VERBAL UPDATE ON ALTERNATIVELY FUELLED VEHICLES

6. The Consultation Group heard from Alan Thomson, Team Leader, Licensing, Planning and Environment and Fiona Conti, Commercial and Procurement in relation to Alternative Fuelled Vehicle Policy.

Alan Thomson made reference to the new Taxi and Private Hire Policy agreed by the Licensing Committee in October 2021, in which there was a change to restrictions on petrol/diesel vehicles. He advised that the Council was working on a Public Infrastructure Project to seek views on the infrastructure required across the city for Taxi/Private Hire vehicles, including the choice of suitable vehicles available for drivers. He indicated that it was hoped that within the next few years, technology would be developed, and the costs of electric vehicles would come down in price. He intimated that external organisations, particularly the energy sector, may contribute with the installation of charging stations.

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP
3 March 2022

Fiona Conti made reference to the Council's Climate Change Plan and advised that the charging infrastructure was not yet in place, therefore sought the views of the members of the Group, including what help and support they may require from the Council.

During the discussion, the following was noted:-

- that the taxi trade required to be kept informed, particularly as the Council wished to be more ambitious to phase out petrol/diesel vehicles by 2030;
- that the taxi trade required to communicate their thoughts with the Council, specifically in identifying appropriate and suitable charging locations throughout the city e.g. taxi ranks and/or car parks;
- that the taxi trade required to be kept informed of any costs for the trade or any Government grants available to help with the transition;
- that Dundee City taxi fleet was largely running electric vehicles and that dialogue with them in this regard would be undertaken by officers;
- that the Energy Savings Trust were currently undertaking information/support sessions, specifically for the taxi trade; and
- that EV and Hydrogen charging stations, specifically for taxi trade use should be considered.

The Consultation Group resolved:-

- (i) to note that Fiona Conti would approach the Scottish Government to investigate whether any grants were available to support the taxi trade, and would advise in due course; and
- (ii) that any feedback or views from the taxi trade be submitted to officers at their earliest opportunity.

UP AND COMING QUEEN'S PLATINUM JUBILEE BANK HOLIDAY

7. The Consultation Group heard Russell McLeod seek the views of the members in relation to the Queen's Platinum Jubilee Bank Holiday, specifically whether it could be recognised as a public holiday within the taxi tariff, thereby allowing the taxi trade to charge an additional £1 to the journey fare.

The Consultation Group resolved:-

to request the Licensing Committee to consider incorporating the Queen's Platinum Jubilee Bank Holiday as a public holiday in respect of the taxi tariff, with a view to the taxi trade charging an additional £1 for each journey fare.

TAXI TARIFF METER CHANGE PLAN

8. The Consultation Group heard from Russell McLeod who sought consideration and confirmation of the forthcoming Taxi Tariff Meters Change plan.

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP
3 March 2022

Alan Thomson advised that he was aware that there was a requirement for the change to the tariff meter, however due to Covid restrictions, an event for drivers to undertake the necessary change to the tariff meter had not been possible to arrange. He indicated that officers were investigating a suitable venue and had been in liaison with colleagues from Fleet Services in this regard, but the option to update meters at the Kittybrewster depot over a number of days, had not been well received from the taxi trade.

During discussion, a number of locations were suggested as possible venues, including TECA, the old AECC site and the Airport car parks, noting that (1) Park and Ride sites could not be used; and (2) a two day event was the preference for the taxi trade.

The Consultation Group resolved:-

- (i) to note that Stewart Duncan would contact colleagues at the Airport to investigate whether a car park in that area could be utilised;
- (ii) to note that Russel McLeod would investigate the use of a possible alternative location; and
- (iii) to note that Licensing and Fleet Service officers in consultation with the taxi trade would consider the options available and identify suitable dates and a venue for the Taxi Tariff meter change.

DATE OF NEXT MEETING - 22 JUNE 2022

9. The Consultation Group noted that the next meeting would be held on 22 June 2022, at 10am.

- **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			22 March 2022						
4	Review of Street Trader Policy	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/ Arlene Dunbar	Governance	Commissioning	17.3		
5	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	D	Delayed to allow additional benchmarking to ascertain realistic options for a module based test system. Report to be submitted to June meeting.
6	Queen Street Taxi Rank Proposal	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		
7	Taxi Fare Review 2022	To provide the Committee with the responses to the draft fare tariff agreed on 18 January 2022.		Sandy Munro	Governance	Commissioning	17.3		
8	Taxi and Private Hire Car Conditions	To provide the Committee with the amended conditions for taxis and private hire for final approval following the amendments to policy.		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	Taxi Rank Stances - Back Wynd and Union Street (St Nicholas Churchyard)	The Council on 28/2/22 agreed to instruct the Chief Officer - Governance to initiate the consultation process to re-establish the taxi rank stances on Back Wynd and the night time taxi rank on Union Street at St Nicholas churchyard, which was never formally suspended, and report back to the Licensing Committee with the results of the consultation exercise		Graeme McKenzie	Governance	Commissioning	17.3		
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)	Andrew McGowan + Capital Letters Property Management	123a Spital, Aberdeen	Private Sector Housing Team	01/04/2022	22 March 2022	23-26
HMO application (new)	Mairi Macleod	179 Skene Street, Aberdeen	Private Sector Housing Team	11/04/2022	22 March 2022	27-30
HMO application (renewal)	Aberdeen City Council	1 Abbotswell Drive, Aberdeen	Private Sector Housing Team	13/04/2022	22 March 2022	31-34
HMO application (renewal)	John Young + Stonehouse Lettings	Flat 4, 92 King Street, Aberdeen	Private Sector Housing Team	03/05/2022	22 March 2022	35-36
HMO application (renewal)	MGM Aberdeen Ltd + Easthaven Property Management	Flat C, 14 Wellington Street, Aberdeen	Private Sector Housing Team	18/05/2022	22 March 2022	37-40
HMO application (new)	Scott Forrester +	625 King Street, Aberdeen	Private Sector Housing Team	31/05/2022	22 March 2022	41-44

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
	Stewart Property Services					
HMO application (renewal)	Aberdeen City Health and Social Care Partnership	15 Viewfield Avenue, Aberdeen	Private Sector Housing Team	31/05/2022	22 March 2022	45-46
HMO application (renewal)	Aberdeen City Health and Social Care Partnership	13 Viewfield Avenue, Aberdeen	Private Sector Housing Team	31/05/2022	22 March 2022	47-50
HMO application (renewal)	Colin Dey + O'Neill Property	11 Sunnyside Terrace, Aberdeen	Private Sector Housing Team	06/06/2022	22 March 2022	51-54
HMO application (renewal)	Michael McFadyen + Winchesters Letting	61 Leslie Road, Aberdeen	1 Objection	08/02/2023	22 March 2022	55-64
Request for Exemption from Age of Vehicle Policy	Steve Smith	N/A	N/A	N/A	22 March 2022	65-68

LICENSING COMMITTEE INFORMATION SHEET

22 March 2022

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: ANDREW MCGOWAN

ADDRESS: 123A SPITAL, ABERDEEN

AGENT: CAPITAL LETTERS PROPERTY MANAGEMENT

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 22 March 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 22 March 2022. I will advise the Committee whether the applicant has satisfactorily completed the necessary work & certification requirements.

DESCRIPTION

The premises at No.123A Spital, Aberdeen, is a 2-storey, detached house providing accommodation of 4 letting bedrooms, lounge, kitchen, bathroom and shower room. 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'

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 his registration includes No.123A Spital.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.123A Spital.
- The extent of the above-mentioned work & certification requirements is as follows:
 - 1) All faulty/missing lightbulbs to be replaced immediately and missing lightshades to be replaced
 - 2) All windows to be adjusted as necessary to ensure easy opening for ventilation. Particular attention to be paid to the window in bedroom 1.
 - 3) The 3 damaged doors to the kitchen base units to be replaced and the remaining base unit doors to be realigned.
 - 4) The shower tray in the shower-room to be resealed.
 - 5) The disused shower cubicle in bedroom 1 to be removed and the flooring and walls to be made good.
 - 6) The holes in the ceilings in bedroom 1 and the hallway, also the hole in the staircase wall to be made good and decorated.
 - 7) A shower curtain to be fitted to the bathroom on the ground floor.

8) The Notice of HMO Application – Certificate of Compliance to be submitted

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LICENSING COMMITTEE INFORMATION SHEET

22 March 2022

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (NEW)

APPLICANT: MAIRI MACLEOD

ADDRESS: 179 SKENE STREET, 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 22 March 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 22 March 2022. I will advise the Committee whether the applicant has satisfactorily completed the necessary work & certification requirements.

DESCRIPTION

The property at No.179 Skene Street, Aberdeen, is a maisonette flat on the 2nd & 3rd floor, providing accommodation of 4 letting bedrooms (1 en-suite), lounge, kitchen, dining room, bathroom and store room. 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'

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 her registration includes No.179 Skene Street.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.179 Skene Street.
- The extent of the above-mentioned work & certification requirements is as follows:
 - 1) All faulty/missing lightbulbs to be replaced immediately and a lightshade fitted to the pendant in bedroom 2.
 - 2) The 2-gang sockets located in bedroom 2 and the 3rd floor landing to be securely refixed.
 - 3) The faulty CO detectors to be replaced.
 - 4) All windows to be adjusted as necessary to ensure easy opening for ventilation.
 - 5) All self-closing doors to be checked 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 in bedrooms 1 & 4.
 - 6) The broken double-glazing unit in bedroom 2 to be replaced.
 - 7) The hole in the ceiling of the cupboard in bedroom 4 to be made good and decorated.

- 8) The property to be thoroughly cleaned throughout. Particular attention to be paid to the carpet in bedroom1.
- 9) The mattress in bedroom 1 must be replaced.
- 10) The following documentation to be submitted for inspection:
 - Notice of HMO Application – Certificate of Compliance
 - Copy of Private Residential tenancy Agreement

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LICENSING COMMITTEE INFORMATION SHEET

22 March 2022

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: ABERDEEN CITY COUNCIL

ADDRESS: 1 ABBOSWELL DRIVE, ABERDEEN

AGENT: N/A

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 22 March 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 22 March 2022. I will advise the Committee whether the applicant has satisfactorily completed the necessary work & certification requirements.

DESCRIPTION

The premises at No.1 Abbotswell Drive, Aberdeen, is a 2-storey, detached house providing accommodation of 5 letting bedrooms, lounge, kitchen and bathroom. 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'

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 his registration includes No.1 Abbotswell Drive.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.1 Abbotswell Drive.
- The extent of the above-mentioned work & certification requirements is as follows:
 - 1) All self-closing doors must be capable of closing fully against their stops from all angles of swing and latch off when closed. In this regard the following doors require adjustment :

Guest Room
Kitchen entrance and exit
Bedroom 2,3,4
 - 2) A window in each room must be capable of being easily opened for ventilation. In regards to the kitchen and bathroom areas they must have adequate ventilation, natural or mechanical. In this regard the window in bedroom 5 requires repair.

- 3) The following documentation to be submitted for inspection:
- Gas Safety Certificate, detailing all gas appliances and carbon monoxide detectors (annually).
 - 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.

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LICENSING COMMITTEE INFORMATION SHEET

22 March 2022

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: JOHN YOUNG

ADDRESS: 92D KING STREET, ABERDEEN

AGENT: STONEHOUSE LETTINGS

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 certification requirements to bring the property up to the current HMO standard. The meeting of the Licensing Committee on 22 March 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 22 March 2022. I will advise the Committee whether the applicant has satisfactorily provided the necessary certification.

DESCRIPTION

The premises at No.92D King Street, Aberdeen, is a top floor flat providing accommodation of 3 letting bedrooms, lounge, kitchen and bathroom. The applicant has requested an occupancy of 3 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'

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 his registration includes No. No.92D King Street.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No. No.92D King Street.
- The extent of the above-mentioned certification requirements is as follows:
 - 1) The following documentation to be submitted for inspection:
 - 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).

LICENSING COMMITTEE INFORMATION SHEET

22 March 2022

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: MGM ABERDEEN LTD

ADDRESS: FLAT C, 14 WELLINGTON STREET, ABERDEEN

AGENT: EASTHAVEN PROPERTY MANAGEMENT

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 22 March 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 22 March 2022. I will advise the Committee whether the applicant has satisfactorily completed the necessary work & certification requirements.

DESCRIPTION

The premises at Flat C, 14 Wellington Street, Aberdeen, is a 2nd floor, flatted property providing accommodation of 3 letting bedrooms, lounge, kitchen and bathroom. The applicant has requested an occupancy of 3 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'

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 his registration includes Flat C, 14 Wellington Street.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of Flat C, 14 Wellington Street.
- The extent of the above-mentioned work & certification requirements is as follows:
 - 1) All self-closing doors must be capable of closing fully against their stops from all angles of swing. In this regards the bedroom 1 door is to be adjusted to operate correctly.
 - 2) A window in each room must be capable of being easily opened for ventilation. In this regards the bedroom tilt and turn window is to be adjusted to operate correctly.
 - 3) The failed double-glazed units in bedroom 2, lounge and kitchen are to be renewed.
 - 4) The water damaged windowsills located in the lounge, bedroom 1, and bedroom 3 are to be renewed.
 - 5) Make good the hole in the hall wall as discussed on site.

- 6) The water damaged ceiling is to be made good and decorated accordingly.
- 7) The following documentation to be submitted for inspection:
 - Notice of HMO Application – Certificate of Compliance

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LICENSING COMMITTEE INFORMATION SHEET

22 March 2022

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (NEW)

APPLICANT: SCOTT FORRESTER

ADDRESS: 625 KING STREET, ABERDEEN

AGENT: STEWART PROPERTY SERVICES

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 22 March 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 22 March 2022. I will advise the Committee whether the applicant has satisfactorily completed the necessary work & certification requirements.

DESCRIPTION

The premises at No.625 King Street, Aberdeen, is a 2-storey, end-terraced house providing accommodation of 4 letting bedrooms, lounge, kitchen/dining room and 1 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'

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 his registration includes No.625 King Street.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.625 King Street.
- The extent of the above-mentioned work & certification requirements is as follows:
 - 1) Additional electrical sockets to be installed throughout the property.
 - 2) An IP44 light fitting to be installed in the shower-rooms.
 - 3) Carbon Monoxide detectors to be installed in rooms where there are gas appliances.
 - 4) 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.
 - 5) Front and rear doors to the house to be fitted with locks which do not require to be opened with a key from inside the house. If the landlord wishes to fit locks to the letting bedroom doors, the same type of locks must be used.
 - 6) All gas fires in letting bedrooms to be removed or decommissioned.

7) The following documentation to be submitted for inspection:

- Notice of HMO Application – Certificate of Compliance
- Gas Safe certificate
- Electrical Installation Condition Report
- Portable Appliance Test certificate
- Copy of Private Residential tenancy Agreement

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LICENSING COMMITTEE INFORMATION SHEET

22 March 2022

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: ABERDEEN CITY HEALTH AND SOCIAL CARE PARTNERSHIP

ADDRESS: 15 VIEWFIELD AVENUE, 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 22 March 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 22 March 2022. I will advise the Committee whether the applicant has satisfactorily completed the necessary work & certification requirements.

DESCRIPTION

The premises at No.15 Viewfield Avenue, Aberdeen, is a 2-storey, semi-detached house 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 exempt from the requirement to register as a landlord.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.15 Viewfield Avenue.
- The extent of the above-mentioned work & certification requirements is as follows:
 - 1) The Notice of HMO Application to be redisplayed in a public place outside the property for a 21-day period.
 - 2) The following documentation to be submitted for inspection:
 - Notice of HMO Application – Certificate of Compliance
 - Gas Safe certificate
 - Electrical Installation Condition Report
 - Portable Appliance Test certificate
 - Copy of Private Residential tenancy Agreement

LICENSING COMMITTEE INFORMATION SHEET

22 March 2022

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: ABERDEEN CITY HEALTH AND SOCIAL CARE PARTNERSHIP

ADDRESS: 13 VIEWFIELD AVENUE, 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 22 March 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 22 March 2022. I will advise the Committee whether the applicant has satisfactorily completed the necessary work & certification requirements.

DESCRIPTION

The premises at No.13 Viewfield Avenue, Aberdeen, is a 2-storey, semi-detached house 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 exempt from the requirement to register as a landlord.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.13 Viewfield Avenue.
- The extent of the above-mentioned work & certification requirements is as follows:
 - 1) Additional electrical sockets to be installed throughout the property.
 - 2) An IP44 light fitting to be installed in the shower-rooms.
 - 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 doors to the lounge, kitchen and bedroom 5.
 - 4) The door to bedroom 1 to be repaired or replaced as necessary.
 - 5) The damp/mould problem in the upstairs bathroom to be treated and redecorated as necessary.
 - 6) Door threshold plates to be replaced where necessary.
 - 7) The loose shower curtain frame in the ground floor bathroom to be removed.

- 8) The following documentation to be submitted for inspection:
- Notice of HMO Application – Certificate of Compliance
 - Gas Safe certificate
 - Electrical Installation Condition Report
 - Portable Appliance Test certificate
 - Copy of Private Residential tenancy Agreement

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LICENSING COMMITTEE INFORMATION SHEET

22 March 2022

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: COLIN DEY

ADDRESS: 11 SUNNYSIDE TERRACE, ABERDEEN

AGENT: O'NEILL PROPERTY

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 22 March 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 22 March 2022. I will advise the Committee whether the applicant has satisfactorily completed the necessary work & certification requirements.

DESCRIPTION

The premises at No.11 Sunnyside Terrace, Aberdeen, is a 2-storey, semi-detached house providing accommodation of 4 letting bedrooms, open plan 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'

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 his registration includes No.11 Sunnyside Terrace.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.11 Sunnyside Terrace.
- The extent of the above-mentioned work & certification requirements is as follows:
 - 1) All faulty/missing lightbulbs to be replaced immediately and a lightshade fitted to the pendant in bedroom 1.
 - 2) All portable heaters to be permanently removed from the premises.
 - 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 doors to bedrooms 3 & 4.
 - 4) A latch & handles to be fitted to the lounge door.
 - 5) The mould growth on the kitchen cupboard window to be treated with anti-fungicidal wash.
 - 6) The damaged kitchen unit to be repaired or replaced as necessary.
 - 7) The trailing internet cable in the hallway and lounge to be made safe.

- 8) The missing self-closing device on bedroom 4 has been reported to Scottish Fire & Rescue Service.
- 9) The following documentation to be submitted for inspection:
 - Notice of HMO Application – Certificate of Compliance
 - Portable Appliance Test certificate

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LICENSING COMMITTEE INFORMATION SHEET

22 March 2022

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: MICHAEL MCFADYEN

AGENT: WINCHESTERS LETTINGS

ADDRESS: 61 LESLIE ROAD, ABERDEEN

INFORMATION NOTE

This HMO licence renewal application is on the agenda of the Licensing Committee for the reason that one letter of representation/objection was submitted to the HMO Unit.

At the date of drafting this report, the necessary upgrading and certification has not been completed and this position is unlikely to change by the date of the Committee meeting. Consequently, if the Committee is minded to grant a new HMO licence it may do so under delegated powers.

DESCRIPTION

The property at No.61 Leslie Road, Aberdeen, is an upper-floor maisonette flat providing habitable accommodation of 3 letting bedrooms, 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’s agent in response to the letter of representation/objection (Attached as Appendix C)

The letter of representation (Appendix B) was received by the HMO Unit within the 21-day statutory period and must therefore be considered by the Committee.

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.61 Leslie Road, together with another 10 rental properties. The majority of these 11 properties are currently HMO-licensed.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.61 Leslie Road.
- The applicant was first granted an HMO licence for No.61 Leslie Road in April 2015 and he renewed his licence in February 2019. The application under consideration is therefore his 2nd renewal application.
- There are currently 6 HMO-licensed properties in Leslie Road, ie. Nos.4, 7, 20, 51, 57 & 61.
- The letter of representation/objection (Appendix B) refers to additional licence conditions that were added to the 2 previous HMO licence certificates in respect of No.61 Leslie Road. The details are as follows:

- **ORIGINAL HMO LICENCE APPLICATION - 2014**

Following the submission of the original HMO licence application in May 2014, a letter of objection was submitted by a neighbour. The application was considered by the Licensing Committee on 2 September 2014, when the Committee resolved to defer consideration until they had visited the premises. The visit took place on 30 October 2014, following which the application was reconsidered at the Committee meeting on 25 November 2014, where the Committee resolved:

“that the application be granted under delegated powers for the full three year period for a maximum occupancy of four persons, subject to the standard conditions being implemented, plus the additional conditions that (1) good quality carpet/vinyl (as appropriate) and good quality underlay was installed on all floors and the stairs of 61 Leslie Road, and (2) that the ground floor utility room was to be used for storage only.”

The 2 new licence conditions, which were added to the usual licence conditions on the HMO licence certificate, were as follows:

LC 12: *That the licence-holder ensures that carpets and vinyl, together with underlay, are laid throughout the property at all times to include any staircases and that such floor coverings and underlay are of good quality to the satisfaction of an authorised officer from Aberdeen City Council*

LC 13: *That the licence-holder uses the outhouse to the rear of the property on the ground floor for storage and for no other purpose.*

- **HMO LICENCE RENEWAL APPLICATION – 2018**

Prior to the expiry of the original 3-year HMO licence, the landlord submitted a renewal application in March 2018. The same neighbour submitted a letter of objection and the application was due to be considered by the Licensing Committee on 5 June 2018. Discussions then took place between the HMO Unit, the objector and the applicant and it was proposed that a new HMO licence be granted subject to the usual licence conditions plus the additional conditions that were added in 2014 and another 2 new conditions. All parties agreed to this arrangement and the objection was withdrawn. Consequently the application was never considered by Committee and a new licence was granted under delegated powers subject to the usual licence conditions plus LC 12 & 13 (above) and the following 2 new conditions:

LC 14 *The licence-holder will undertake periodic inspections of the (garden areas, shared areas and both bin areas, onsite and remote) and will take appropriate action if they are found to be in an unsatisfactory condition.*

LC 15 *The licence-holder will provide their tenants with comprehensive written information concerning waste management (with particular regard to the correct use and storage of the bins relating to the property) and will ensure that their tenants comply with same.*

- **LETTER OF OBJECTION**

The letter of objection refers to the additional licence conditions LC 12, 13, 14 & 15 (above). I can advise as follows:

LC12 : During the recent visit by the HMO Officer following submission of the renewal application, the floor coverings were inspected and found to be in a satisfactory condition.

LC13 : During the recent visit by the HMO Officer, he noted that the ground floor outhouse was in use by the tenants as somewhere to dry their washing.

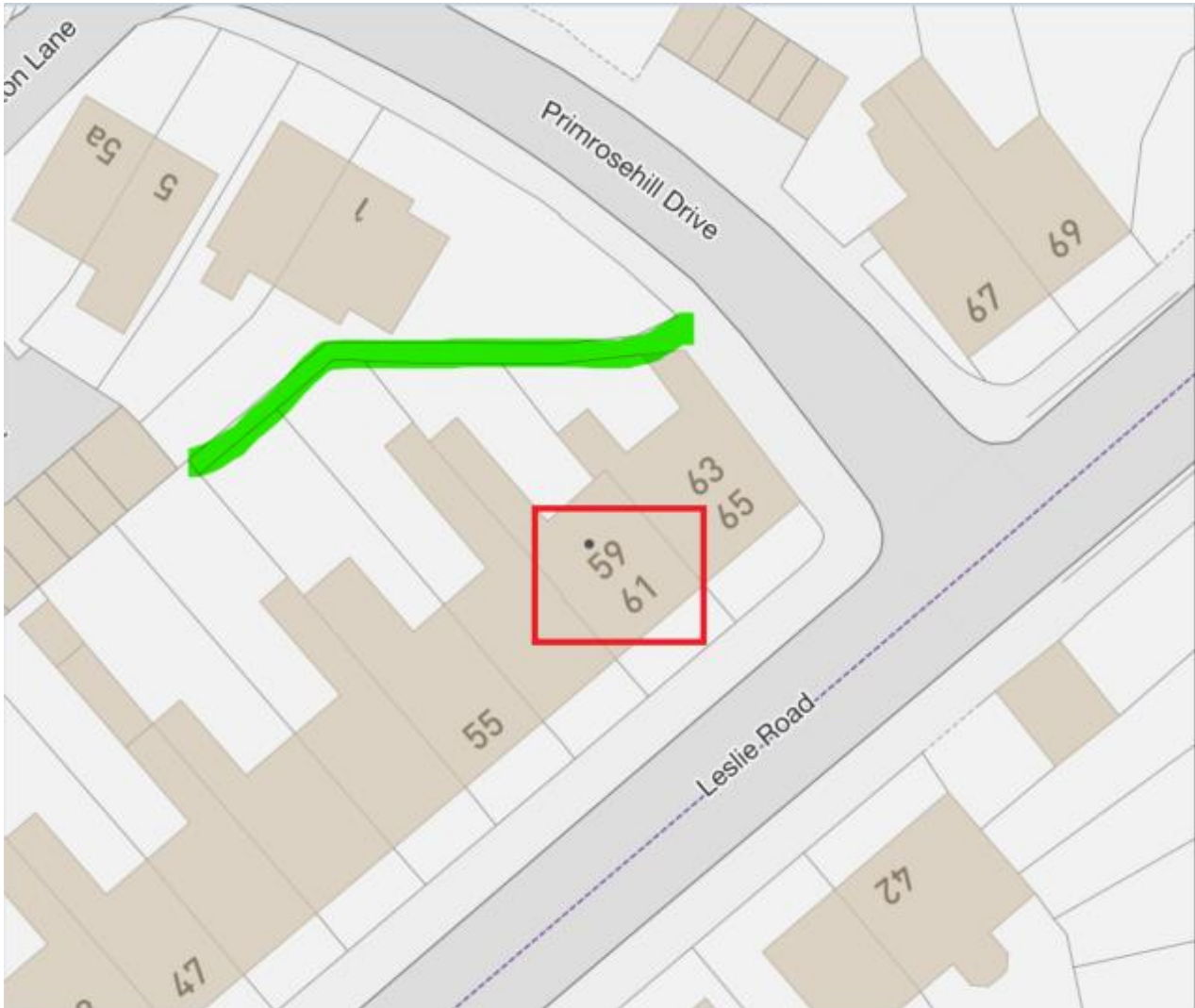
LC14 : During the recent visit by the HMO Officer, he noted the condition of the garden areas, shared areas and bin areas and found them to be well maintained.

LC15 : During the recent visit by the HMO Officer, he noted that the shared path at the rear was in a tidy condition and not obstructed by bin bags, etc. Bin uplift day is Monday and the HMO Officer returned after the bins had been uplifted to check the condition of the shared path which he found to be in a tidy condition. The Council's Waste Team was then contacted to establish whether there had been issues with No.61's bin uplift in the past. The Waste Team advised that "*the mixed recycling wasn't uplifted because of severe contamination (plastic bags) on 11/10/21, 06/12/21 and 20/12/2021.*" The Waste Team were then asked whether they had contacted the tenants of No.61 regarding these 3 failed uplifts and they advised that they "*could find no record of contact being made with the occupants of this property regarding management of waste and recycling.*"

- **SHARED FOOTPATH**

The shared footpath referred to in the letter of objection is highlighted in green on the location plan (Appendix A)

'A'



02/03/2022

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

Dear Sir/Madam,

**REPRESENTATION WITH REGARDS TO APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
– No. 61 LESLIE ROAD, AB24 4HU, ABERDEEN**

Please accept this letter as my representation for the application of an HMO licence for No. 61 Leslie Road.

Previously imposed conditions to HMO licence

The current HMO licence for this property is due to expire shortly. Previously the council and committee had granted this licence subject to several conditions in order to protect the amenity of adjacent properties. An example of some conditions applied to the HMO licence related to;

- LC 12 That the applicant ensures that carpets and vinyl, together with underlay, are laid throughout the property at all times to include any staircases and that such floor coverings and underlay are of good quality to the satisfaction of an authorised officer from Aberdeen City Council.
- LC 13 That the outhouse to the rear of the property is used for storage and no other purpose.

A subsequent application had the above conditions (LC12 and LC13) maintained and added additional conditions (LC14 and LC15) to address and manage the issues, noted by several neighbours, arising from poor management of the bins and waste from the property. A summary of the additional conditions are provided below;

- LC 14 The licence-holder will undertake periodic inspections of the (garden areas, shared areas and both bin areas, onsite and remote) and will take appropriate action if they are found to be in an unsatisfactory condition.
- LC15 The licence-holder will provide their tenants with comprehensive written information concerning waste management (with particular regard to the correct use and storage of the bins relating to the property) and will ensure that their tenants comply with same.

Previously after numerous correspondence, representations and debate, the committee considered these conditions to be necessary for the previous application and subsequent licence, it would stand to reason that these conditions should also be carried over and applied to any new HMO licence for this property.

Furthermore, after an additional 3 years of wear and tear in an HMO property the current effectiveness of the floor coverings should be reassessed for their suitability for the duration of the new licence.

Management of waste from property

Since the current licence was granted, with the additional conditions (LC14 & LC15), the issues with waste and mess arising from this property has continued.

Speaking with the 2 sets of tenants that have been in the property since the current licence (with the additional conditions added) was issued, both sets of tenants have stated to several neighbours that no information was provided by landlord or agent regarding the management of waste, this is clearly against what was agreed with the addition of LC14 & LC15.

The conditions imposed on the licence to operate an HMO property are being ignored and that the concerns of neighbours, in this regard, are not being taken seriously.

The issues with the bins, mess and littering that arise from this property have been reported to the council several times over the duration of this licence.

The current behaviour regarding waste and lack of responsibility of managing it can only be described as Anti-social Behaviour.

Specifically relating to this issue below are some summarised points;

- There exists a shared footpath to the rear of the properties at this end of Leslie Road, giving rear access to the properties. A significant mess can accumulate at the entrance to the path or up the path as a result of overflowing. This path is shared between 5 properties and is well used. There are young children in neighbouring properties that use this path and the mess constitutes a hazard to health.
- Upon vacating the premise (at the end of the lease) rubbish and furniture is left on the street and having remained on the street for weeks, neighbours continue to have to arrange for collection/ or disposal of personally.
- The waste from the property is being continuing to be incorrectly disposed. This is due to filling up any bin, of any other property, and the council (quite correctly) not uplifting the bins as they have the wrong contents.

There appears to be no monitoring of the property from the landlord in this regard. Furthermore, there still appears to exist no explanation of the waste collections and bin scheme to the tenants from the landlord.


It is not the responsibility of the neighbouring properties to be responsible for and manage the waste from No.61. Rather it is the responsibility of the landlord to ensure that the waste is correctly managed - this agreed previous conditions have clearly not been actioned over the years.

Clearly the management of waste from this property is an issue. I would add that since becoming an HMO property, No. 61 has become a "problem property" in this regard in the area.

I hope that you will take the above into consideration when reviewing whether to renew this licence or consider updating the imposed conditions.

Thank you for your consideration of this letter and if you have any questions, please feel free to contact me anytime.

I look forward to receiving your response.

Best Regards,


'C'

Dear HMO department, Committee and residents concerned.

Thank you for passing on your concerns and highlighting points in relating to the HMO of 61 Leslie Road, Aberdeen, AB24 4HU.

I will break down the letter received into points and aim to answer these in full.

1. Previous conditions.

The Landlord and Winchesters have no objection to the current conditions placed on the application and welcome these to remain on the license moving forward. Both parties understand that these conditions give a level of comfort to surrounding residents and are an active part of the landlords commitment to running a suitable HMO for all concerned parties.

- a. Floor coverings are to a good standard and no remedial action is required at present, No comments from neighbours have been received relating to any concern about this.
- b. The room to the rear of the property is only being used for storage as this is not a habitable room, this has been confirmed at multiple points throughout the last HMO license period.
- c. Periodic inspections have taken place throughout the tenancies, no less than every 100 days, please bear in mind this has not been possible for a number of consecutive months during the pandemic to ensure safety of the tenants and this coupled with the property sitting empty for some 6 months during 2020 where no waste would have been produced.

I would like to note that I have searched our email correspondence and as per previous request "contact details for resolving issues relating to waste are provided to neighbouring properties." We have not received any email communication relating to this since 2018, this was dealt with within 24 hours of receiving the notification that there was an issue, since this point the council has provided an extra bin and recycling boxes for use

"This is Alireza from 61 Leslie road and I am writing on behalf of myself, and my flatmates Dean and Scott. We would like to all apologize for inconvenience we have causes by using the wrong bins. On the 4th of April 2018 I discussed the matter with a neighbour who had come to the door to notify us of the issue and we did acknowledge our mistake and moved the bins immediately. We also made sure not to use the wrong bins again and have not done so since. I would also like to mention we never intended to intentionally bother anyone. The problem began when someone moved our bin away and we could not find it. We also had only one bin which got full very quickly. And we did not know about the public bin around the corner (Which is also sometimes full for days) so we used the empty bins by the flat. We do understand however that this does not justify our action and we will make sure this will not happen again.

Best regards,
Alireza "

This response is what we would expect from tenants and has been the general response any time we have reinforced and reiterated any communication relating to waste.

All neighbours (unless they have changed since the last granting of the HMO License) have been provided with our directors email address and mobile number should there be any complaints regarding any aspect of the property. We have had some communication relating to a leak and property specific repairs.

The only issue we are aware of within the current tenancy relating to waste is during the first week the tenants were in residence, was the bins were left at the pick up point and the wind blew these over. From speaking to the tenants at the time one of the neighbours brought this to their attention and they cleared up the area and returned the bins to the correct spot.

From speaking to the tenants they had not got round to reading the documentation relating to pick up days for waste, this comes, as you can imagine, wrapped up in a number of documents relating to the lease of the property and can easily be skimmed over or missed, I have made a note on the property that for future tenancies as well as the current practice of sending writing instructions for waste management along with the clauses within the lease, we will also reinforce this with a verbal conversation to highlight its importance.

Upon speaking to the tenants recently and conducting an inspection at the property we found the bins to be within the confines of the properties garden, that the correct items were in each bin and that both recycling and food waste containers were in use within the kitchen of the property. The tenants when asked about waste requirement we aware and carrying out all requirement. With regards to the property becoming a "problem property" I would urge any problems to be highlighted to us at the time so we can assess the validity of these claims, while not wanting to belittle any claims it is very possible that the use of other peoples bins is not related to this property as the storage area for bins is in a public place in a densely populated area, notification to ourselves at the time will allow us to quantify this claim and act accordingly.

Moving forward I would like to reinforce the offer to contact myself or Winchesters as soon as any minor or major infringement on the correct use and storage of waste is noticed, it is not reasonable or possible for us to monitor each bin day as a certain amount of this is a requirement of the tenants, however please do not construe this as the Landlord or Agent shirking their responsibilities, we are more than happy to quickly intervene and resolve any issues promptly.

Many Thanks

Chris Minchin

Director – Winchesters

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LICENSING COMMITTEE INFORMATION SHEET

22 MARCH 2022

STEVE SMITH

INFORMATION NOTE

Mr Smith is seeking an exemption to the Committee Policy that states that the vehicle for any new grant application for a Private Hire must be no more than 5 years old.

The Committee has before it an email from Mr Smith indicating the grounds on which he is seeking the exemption.

Should the Committee be minded to grant the exemption Mr Smith is aware that he will be required to submit an application for the Grant of a Private Hire Operator Licence as he is not currently the holder of such a licence.

COMMITTEE GUIDELINES/POLICY

Licensing Committee policy states that the vehicle for any new grant application for a Private Hire must be not more than 5 years old.

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Email from Applicant dated 17/02/2022.

Good afternoon Dave

Could you please present my request below to the licensing committee on my behalf at their next meeting

Would the committee give me permission to grant a PHC license on my current vehicle that is just over 5 years old but is plated on yellow plate at the moment. (T731).

I am requesting this as my vehicle is currently on a license that is not mine and under the revised policy coming into effect from 1/4/22 would need to be removed at some point

I understand I would have to apply for this license to be granted but hope the committee look favourable on my request

Regards
Steve Smith

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ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	22 March 2022
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Queen Street Taxi Rank Proposal
REPORT NUMBER	COM/22/066
DIRECTOR	Gale Beattie – Director of Commissioning
CHIEF OFFICER	Fraser Bell – Chief Officer - Governance
REPORT AUTHOR	Sandy Munro
TERMS OF REFERENCE	17

1. PURPOSE OF REPORT

- 1.1 This report provides the Committee with the results of the consultation with Police Scotland, Aberdeen City Council Roads Department and the general public.

2. RECOMMENDATION(S)

That the Committee:

- 2.1 Considers the Consultation responses in Appendices 1 and 2; and
- 2.2 Rejects the proposal for a taxi rank at Queen Street as unsuitable at present;

3. BACKGROUND

- 3.1 At the Licensing Committee meeting on 14 December 2021 officers were instructed to undertake a consultation exercise with respect to the addition of a new taxi rank for 2 vehicles on the north side of Queen Street.
- 3.2 A public consultation was held online between 18 January 2022 and 15 February 2022 and was advertised on the Council's social media channels. Opinions were also sought directly from the Council's Roads Department as well as Police Scotland.
- 3.3 A total of sixty six responses were received from members of the public. These are attached as Appendix 1 to this report. The majority of responses were of the opinion that the location was not suitable for use as a taxi rank, with the most common reasons being unsuitable location, not a suitable size and the loss of parking in an area where it is already scarce.

3.4 The responses from Police Scotland and the Council's Roads Department are also attached as Appendix 2 to this report. Both responses indicate the location to be unsuitable for the proposed taxi rank at present.

3.5 At its meeting on 14 December 2021 the Committee instructed that the question of a further rank in the vicinity of Upperkirkgate be incorporated into the overarching review of taxi ranks.

4. FINANCIAL IMPLICATIONS

4.1 This report will not result in any financial implications.

5. LEGAL IMPLICATIONS

5.1 The recommendations would not result in any legal implications.

6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk	N/A		
Compliance	N/A		
Operational	N/A		
Financial	N/A		
Reputational	N/A		
Environment / Climate	N/A		

7. OUTCOMES

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

8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Full impact assessment is completed
Data Protection Impact Assessment	Not required

9. BACKGROUND PAPERS

N/A

10. APPENDICES

10.1 Public consultation responses

10.2 Further consultation responses

11. REPORT AUTHOR CONTACT DETAILS

Name	Sandy Munro
Title	Solicitor
Email Address	AleMunro@aberdeencity.gov.uk

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<p>What is your name? - Name</p>	<p>It is proposed to create a Taxi Rank on the North Side of Queen Street, Aberdeen.</p> <p>The taxi rank would be for two vehicles and would replace two of the Pay & Display Parking Spaces of that side of Queen Street. it would operate from 5am to midnight 7 days a week.</p> <p>Do you have any comments or objection - Answer</p>
<p>Euan Barclay</p>	<p>In agreement</p>
<p>Russell David</p>	<p>Object. Too far from any occupied premises at night. Not safe</p>
<p>Mark Hutcheon</p>	<p>Two spaces is not enough for a taxi rank. It needs to be at least 4 spaces as that part of the city centre does not have very good taxi rank provision. The Back Wynd taxi rank has not been adequately replaced as the rank beside the HMT is not near any shopping centre and the public don't use it.</p>
<p>Russell McLeod</p>	<p>A two vehicle Rank is too small.</p> <p>Rank should be on South Side, with enough space for at least 8 vehicles. A two vehicle Rank will just not be used.</p>
<p>christopher douglas</p>	<p>My only comment would be great idea let's hope it happens</p>
<p>Anon</p>	<p>This is good idea - it would mean there are taxis on the Broad St/King St side of town, thus saving people the hustle of going down to Back Wynd or further.</p>
<p>Ronnie Saddler</p>	<p>Would never be used. Too far away from union Street. I can't see customers using the rank. Waste of time.</p>
<p>Stan beattie</p>	<p>I think that that would be complete waste of time there is no activity at that end of the town and for the only 2 vehicles that's not going to help anybody in my opinion</p>

<p>What is your name? - Name</p>	<p>It is proposed to create a Taxi Rank on the North Side of Queen Street, Aberdeen.</p> <p>The taxi rank would be for two vehicles and would replace two of the Pay & Display Parking Spaces of that side of Queen Street. it would operate from 5am to midnight 7 days a week.</p> <p>Do you have any comments or objection - Answer</p>
<p>Angela</p>	<p>If it's anything like the taxi rank on Exchange Street it will be a disaster. First time I've been out in Market Street for years & i stood for over an hour waiting for a taxi. The queue wasn't big, it was just lack of taxis. I came out of the pub just before 1 a.m. & got home at 2:30 a.m. I am a mature woman but there was a lot of young girls waiting in the queue that were thinking of walking home which is dangerous. A city the size of Aberdeen should have more taxis</p> <p>Also I was disgusted to see the amount of men & young women urinating in the street. Aberdeen has no toilet facilities in the town centre, it's a disgrace.</p> <p>If you go ahead with the new rank, you should reopen the Castlegate toilets that should never have been shut.</p>
<p>Steve McFarlane</p>	<p>This would increase the number of vehicles coming and going along Broad Street as taxis come and go. This would undo a lot of the work that has been done to reduce vehicles on Broad Street in recent years, and while the southern part of Broad Street is still open to all vehicles, it benefits greatly from there being no through flow from Gallowgate and Upper Kirkgate. A taxi rank in this location will undermine and undo this work, which will be to the detriment of people in the area, and it's people (not vehicles) that enter and spend money in shops, cafes etc. It might not feel like it's much, but it's all part of a cumulative effect that makes the city centre feel less welcoming, and vehicles are the primary reason that Aberdeen City Centre isn't welcoming. Bringing more vehicles into a pedestrian friendly space is counterintuitive, and against the principles of the city centre masterplan. In addition, a two vehicle taxi rank anywhere doesn't make any sense. We already have problems at all the existing taxi ranks where even when they're full taxis just sit and block the road to all other users. Given this existing behaviour, establishing a factual base for it, it's likely that this will occur again here making all the issues I've raised above, worse. We need to be getting vehicles, all vehicles, out of the city centre, not making it easier for them to come in.</p>
<p>Dave Russell</p>	<p>Reject the idea as its too isolated</p>
<p>Debra Storr</p>	<p>No.</p>
<p>Neil Mcquarrie</p>	<p>Two spaces when u have a night rank across from the court . U need a decent sized area like school wynd was .. plenty more spaces</p>
<p>CHRISTA REID</p>	<p>Very helpful and I agree fully with the proposal, especially for those visiting/shopping in the east end of the city centre.</p>

<p>What is your name? - Name</p>	<p>It is proposed to create a Taxi Rank on the North Side of Queen Street, Aberdeen.</p> <p>The taxi rank would be for two vehicles and would replace two of the Pay & Display Parking Spaces of that side of Queen Street. it would operate from 5am to midnight 7 days a week.</p> <p>Do you have any comments or objection - Answer</p>
<p>Lyndsey</p>	<p>Not a suitable location- staff entrance to Marischal College for ACC staff as well as police along with multiple police vehicles make this an unsuitable location. You also have to consider the prisoners transport trucks which have to access the court from Queen Street.</p> <p>Reducing the pay & display spaces also reduces parking available for disabled badge holders when disabled access is already very limited!</p>
<p>ArvindChalasan</p>	<p>Bad choice of area</p>
<p>Linda Presslie</p>	<p>I would have liked a drawing of exactly which two parking spaces this is proposed for. Where ever they are positioned, it is inevitable that there will be a queue of taxis waiting to occupy these two spaces. Are there any plans to mitigate this happening. I assume that there is already in place in Queens Street, at least one invalid (Blue Badge) parking space. Please also consider a space to accommodate a drop off and collection point for the general public. This would help elderly people who do not qualify for an invalid badge but who are not able to access a bus, walk great distances or ride a bicycle.</p> <p>Is this a short term plan as I thought there were plans afoot to redesign this area?</p>
<p>Alan MacLennan</p>	<p>Good idea</p>
	<p>Stupid idea, would cause more road works you want to attract the locals into town not to the few hotels/ restaurants on queen street</p>
<p>Antony Burnett</p>	<p>I would encourage even more spaces to be made for taxi throughout the city.</p> <p>With the environmental issues we have we must encourage less traffic around town & push towards the public using public transport (taxi & buses).</p>

What is your name? - Name	<p>It is proposed to create a Taxi Rank on the North Side of Queen Street, Aberdeen.</p> <p>The taxi rank would be for two vehicles and would replace two of the Pay & Display Parking Spaces of that side of Queen Street. it would operate from 5am to midnight 7 days a week.</p> <p>Do you have any comments or objection - Answer</p>
Lesley mcintosh	This would not be suitable for me as i am a disabled person and cant walk that far if i am at any of the resturant in the belmont street aera as its up hill and very windy there so i feel you are limiting the disabled people for going out as its now bad since you removed the backwynd taxi rank please consider your aged and infirmed people
Alastair Hepburn	Absolutely pointless 2 spaces, come up to chapel st or Dee at ranks an look there is often 5 plus cars waiting to get on the ranks. Just give us back wynd back even if means exciting into little Belmont st
Trish Freak	With the removal of all existing ranks any effort to bring taxis closer to the town centre for old and infirm people is a good thing
Margaret Marr	I often need a taxi home from town with shopping..I'm 85 years old and having to go all the way to shiprow will be too far for me. The rank at Hadden Street is great for me just now I really need access to taxis from Union Street.
Shelley Chisholm	No Objection
Robert Eden	<p>Can't see this rank working .</p> <p>As council have put in 2 other ranks which nobody use. Those ones are ones at HMT and Exchequer Row</p> <p>Better having a rank on Schoolhill outside The Academy centre or on flourmill Lane.</p> <p>Reopen Back Wynd from O'Neils to schoolhill put taxi along Gaelic Lane up Belmont Street</p>
DENIS RIED	wrong place
robert moffat	<p>It sounds like a good idea. The city is very limited in the number of easily to find taxi ranks (comparing with other scottish cities) thus making it difficult for potential users and tourists to locate a taxi rank.</p> <p>Yes i would support the plan.</p>
Louise Moroney	<p>2 vehicles?? Not worth having a rank.</p> <p>Bring back Back Wynd. Far more central.</p>
Dot	There are too few parking spaces in town as it is.

What is your name? - Name	<p>It is proposed to create a Taxi Rank on the North Side of Queen Street, Aberdeen.</p> <p>The taxi rank would be for two vehicles and would replace two of the Pay & Display Parking Spaces of that side of Queen Street. it would operate from 5am to midnight 7 days a week.</p> <p>Do you have any comments or objection - Answer</p>
Neil Pirie	What use is 2 spaces far to far away from main shopping centres bot good for elderly or disabled people either
James Pittendrigh	Good afternoon , Who comes up with these ridiculous ideas , a taxi rank for two taxis in a place where there would probably not be much demand , what an absolute joke . Opening up back wynd taxi rank again would be the only sensible solution. Along with Union street , the whole city centre is a complete shambles
A Jackson	No point for only 2 cars, much easier to walk to a rank with many cars, one on dee Street has hardly any cars there
Michelle Kelly	Don't think Queen Street good place for a rank. Out of the way of main hub of city centre. I personally would not feel safe waiting in a rank there. Not much passing trade either. Bring back back wynd or somewhere nearer. As Queen St would not be convenient for people. NOT a safe area to be waiting for a taxi. Not good for corporate users either.
Kyle McQueen	Reinstate back wynd and forget this new taxi rank
Russell	Way too far away from the city centre and where a taxi rank needs to be positioned. Back Wynd needs to be reinstated ASAP. Surely common sense must prevail.
	Pointless! Waste of money
Juan Gomez	Great idea we must be one of the worst British city for taxi ranks in the town centre so a few more will be welcome
Donna Moorehead	No requirement for a taxi rank there.. Especially if only for 2 taxis and taking away vital city centre parking.
George Duncan	Any additional Taxi ranks would be welcome, but the council seem to be hell bent on providing obscure ranks that are nowhere near the main footfall areas of the city. We have already seen the surreptitious pedestrianisation of central union street under the guise of covid 19 regulations. It looks like Aberdeen city centre will soon be completely dead anyway, so why bother with pointless consultations?
Jon Smith	keep pay & display-move taxis to Back Wynd where they are required
	Yes union street is the town centre
Amanda Bellew	No objection

What is your name? - Name	<p>It is proposed to create a Taxi Rank on the North Side of Queen Street, Aberdeen.</p> <p>The taxi rank would be for two vehicles and would replace two of the Pay & Display Parking Spaces of that side of Queen Street. it would operate from 5am to midnight 7 days a week.</p> <p>Do you have any comments or objection - Answer</p>
	Not a good location.
Chloe Foster	<p>For two spaces? Seems pointless when there are ample bus stops surrounding the vicinity. 727,1,2,11,19,20,23</p> <p>Furthermore, there is no attraction to tourists nor residents to visit the city. It is rundown and barren</p>
Rebecca	Parking on Queen Street is already at a premium, it is almost always impossible to get a parking spot. Some of the spots have recently been removed to make way for Police vehicles so removing 2 further spots would just make the problem worse. It is also a poorly lit, quiet area of town and putting a taxi rank there could encourage antisocial behaviour
Ross McGowan	Taxis already have sufficient ranks in Haden and Exchange St.
Lynne Brown	Street parking is scarce in the city centre so taking away two pay and display does not make sense
Stuart Carnie	Fully support this application and proposal .
bee	sounds good idea but wgst impactceoukd it have on traffic
Gautam Kumar	It's not needed.
Mrs BJ Porteous	There is little enough parking in this area for those who cannot walk far due to their health. Please do not take away spaces for the use of taxis. I have an elderly mother and getting her to places in the centre of town is becoming impossible due to the lack of disabled parking in the city centre particularly if you need to get to union street.
Mhari	Great plan but thoughts need to be from after midnight what happens to individuals out at clubs etc. Currently a dangerous situation within the city centre with lack of taxis and ranks means individuals are struggling to get home afterwards. Given recent events I believe responsibility should be taken for improving taxi ranks. Many drivers have stated they don't work late anymore as its "not worth it" with all the road closures and lack of taxi ranks.
Stuart Maclean	None at all, good idea,as long as the taxi drivers do not start queueing up to get a space like Dee Street where at night, they are on Union Street waiting to get a space.
Lauren	There are already several accessible taxi ranks within the city. With rising numbers of people requiring parking due to new housing within the specified area I think it would be unnecessary to take away their already limited parking.

What is your name? - Name	<p>It is proposed to create a Taxi Rank on the North Side of Queen Street, Aberdeen.</p> <p>The taxi rank would be for two vehicles and would replace two of the Pay & Display Parking Spaces of that side of Queen Street. it would operate from 5am to midnight 7 days a week.</p> <p>Do you have any comments or objection - Answer</p>
Jill Morrison	Object to this.
Sarah	Two spaces? Is it worth it? I don't think so. Open Back Wynd for taxis. Open the rest of the city centre, Union St, Schoolhill etc
Pat Black	Don't think two taxis really class as a rank. However, we really need Back Wynd reopened as that is where most people would be, not the bottom end of Union Street.
Kathleen Buthlay	Complete waste of time
Gary Forbes	A Taxi rank with 2 spaces? That's not really going to draw taxis/ public.
Gillian Watson	Definitely do this as pointless having parking spaces when you aren't allowed to travel on that road
Kim Fletcher	Are you really stupid!! Nobody goes to that end of the city, if you opened union street fully with access for bus s and put the taxi rank back in Back Wynd it brings all of us back to the centre of our city. So so so sad to see our city centre in such disastrous mess ☹️
Gillian Greig	Concern is this might impact disabled parking spaces people use to access marischal college services. Back wynd is ideal city centre location for a taxi rank
Kegan Stewart	do it!
Michael McLeod	Another out of sight rank, same as rank outside HMT. Is this what we as a trade are paying our fees for.
Allan Adams	In my opinion two spaces would be absolutely pointless in this location as no one would use it . Why not put a rank on ship row or union terrace when it reopens failing that reverse back wynd to exit onto school hill rather than union street with access via garlic Lane or Little Belmont Street

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Queen Street Taxi Rank – Appendix Two

Police response:

We still have concerns about queues of people and manoeuvring vehicles causing an obstruction to emergency vehicles and the risks that this presents.

Roads response:

Thank you for the opportunity to comment on the proposed taxi rank on north Queen Street and apologies for the delay in getting back to you.

The northern kerblines on Queen Street currently accommodate 1 no. loading, 1 no. disabled, 4 no. Pay and Display/Resident's Permit, 3 no. Police, motorcycle and 2 no. car club bays. The request asks for 2 no. Pay and Display/Resident's Permit bays to be removed from Zone G, leaving 2 no. bays on the street.

The Pay and Display & Resident's Permit bays provide parking opportunities for residents and those visiting businesses in proximity to Queen Street and also visitors to Marischal College and other public buildings.

3 no. Pay and Display/Resident's Permit bays were recently reallocated to Police bays due to the relocation of Police Scotland to Marischal College, leaving the parking provision at this busy locality considerably reduced.

The provision of a 2 no. bay taxi rank would be expected to have a limited draw for taxis and customers.

I object to the reallocation of parking bays as a taxi rank as the volume of kerbside parking bays within the central zone is being significantly depleted by current proposals.

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ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	22 March 2022
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Review of Street Trader Policy
REPORT NUMBER	COM/22/062
DIRECTOR	Gale Beattie
CHIEF OFFICER	Fraser Bell
REPORT AUTHOR	Arlene Dunbar
TERMS OF REFERENCE	17.3

1. PURPOSE OF REPORT

- 1.1 To explain to the Committee the current policies in place regarding street trader's licences, to make recommendations for change to update the practice and procedure relating to these licences and seek direction from the Committee.

2. RECOMMENDATION(S)

That the Committee:-

- 2.1 Agrees to maintain its current guideline prohibiting street trading in the City Centre;
- 2.2 Agrees to strengthen its current advertising policy by advertising applications for hot food on Tell Me Scotland in addition to a local newspaper;
- 2.3 Agrees that any application for a fixed stance trader in a residential area is referred to Committee;
- 2.4 Agree to maintain all nine zones in relation to mobile traders and confirm that the zones exclude city parks and Council car parks;
- 2.5 Allow hot food vans, for example a Fish and Chip van to operate on a mobile basis;
- 2.6 Instructs the Chief Officer - Governance to consult the holders of Street Traders Licences and The Chief Constable, Police Scotland on the proposed changes to Street Trader Conditions;
- 2.7 Agree a 3-year duration for a street trader licence; and

- 2.8 Instructs the Chief Officer - Governance to proceed with the consultation process on any revised policy, and report back to this Committee with a final draft of the revised policy by September 2022.

3. BACKGROUND

- 3.1 Section 39 of the Civic Government (Scotland) Act 1982 (the Act) provides that a street trader's licence is required for street trading by a person, whether on his own account or as an employee. This means that a licence is required for persons who are both employers and employees.
- 3.2 Street trading is defined as hawking, selling or offering or exposing for sale any article, or offering to carry out, or carrying out for money or money's worth any service in a public place. It includes doing any of these things from a vehicle, a kiosk or a moveable stall not entered in the valuation roll.
- 3.3 For any activity which involves the sale of food, a street trader must have a Food Safety Certificate issued by the environmental health service of the Council.
- 3.4 The Licensing Committee last reviewed aspects of its Street Trader Policy in 2017.

CURRENT POLICIES AND PROPOSALS

Street Trading, Union Street, pedestrianised area in the City Centre

- 3.5 The Licensing Authority has the power to impose "conditions restricting the validity of a licence to an area or areas specified in the licence." This provision enables the Committee to zone areas for the purpose of street trading.

The following Guideline currently applies:

- 3.6 That no street trading be permitted in Union Street or any pedestrianised area in the City Centre save where a special case can be made out by the applicant or the licence holder as to why the Guideline should not apply."
- 3.7 The rationale for this general prohibition on city centre street trading is in relation to there being suitable available physical space within the city centre. From a safety perspective, it is not desirable that physical structures obstruct a pathway where there is excess footfall unless there is sufficient physical space to accommodate that structure.
- 3.8 It is recommended that the Committee maintains the current guidelines prohibiting street trading in the city centre and consider if they wish to create any further exclusion zones.

Hot Food Vans

- 3.9 All applications for new hot food and new applicants for existing hot food sites require to be advertised in a local newspaper.
- 3.10 In terms of the Act, all applicants for licences where the activity is carried on from premises must display a notice for a period of 21 days indicating that they have applied for a licence. However, as street trading stances do not constitute premises for the purposes of this provision, these stances do not require to display this notice. The effect of this is that persons in the vicinity may not be aware of the application being made. The Act imposes various advertising obligations on a Licensing Authority, but none in respect of street traders' licences. The Committee does have the power, if it thinks fit, to require advertising of any application for the grant or renewal of a licence to be done in a local newspaper.
- 3.11 The Committee resolved in 2010 to retain its policy on the advertisement of new hot food sites in a local newspaper.
- 3.12 Applications are currently advertised in the Evening Express. The applicant pays the advertising cost (currently £100.00 per advert) in addition to the application fee.
- 3.13 The main problem with advertising in a newspaper is that only those members of the public who purchase the Evening Express on a regular basis will have the opportunity to see the advert and therefore a significant number of people could be unaware of the application being made. Within the past 3-year period, there have been 2 objections lodged that can be attributed to the newspaper advertisement.
- 3.14 As there is no requirement for Street Traders to display a notice, it is recommended that the Committee retain the current policy of advertising hot food applications. The Committee will require to continue advertising in a local newspaper as set out in the Act however, it is recommended that these applications are also advertised on Tellme Scotland. Tellme Scotland is a portal for accessing public information notices issued by local authorities across Scotland. On the site, members of the public can search for public notices such as licensing and planning in their area, check roadworks and restriction on any route, search archived notices and register to receive alerts by text or email on notices in their area. This would constitute a free advertising forum for applicants and the Local Authority and would ensure that applications are being advertised on a wider basis.
- 3.15 It is further recommended that any application for a hot food trader in a residential area is referred to committee for a decision rather than the application been determined under delegated powers. The rationale for this is to allow the Committee to determine whether the location is suitable for the proposed activity.

Zones

- 3.16 There are currently nine zones within the Aberdeen City area that apply to all mobile street traders (see appendix A). It has been the practice of the Licensing Team that the zones exclude city parks and Council car parks. Applications in relation to zones one to eight are generally granted via delegated powers provided there are no issues with it. An application in relation to zone nine (the city centre area) requires to be determined by the Committee. There are currently no mobile street traders operating within the city centre zone.
- 3.17 The current system is uncontentious and works well, it is therefore recommended that the Committee maintain these Zones and confirm that they excluded city parks and car parks.
- 3.18 Hot Food vans are currently not permitted to operate on a mobile basis. There does not appear to be any particular reason for this policy and therefore it is recommended that the Committee allow hot food vans, for example a fish and chip van to operate on a mobile basis and that the following condition is added to the standard conditions: (see appendix c)
- 3.19 “Mobile Street Traders shall remain in the same place only for 20 minutes or the time it takes to serve the queueing customers, whichever is the later, and shall then move on. This condition is not applicable to general street traders.”

Duration of the Licence

- 3.20 Street Trader licences are currently granted/renewed for a period of 1 year. The majority of Civic Licences are granted for a period of 3 years. The rationale for restricting the licence to 1 year was to tie in with the food hygiene certificate issued by Environmental Health which was also 1 year. Food hygiene certificates are now issued for 3 years, and it would be reasonable to issue the licence for the same period.
- 3.21 It is recommended that the duration of the licence is increased to 3 years.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from the recommendations of this report, Tell Me Scotland is a free service to use for both applicants and the Local Authority.

5. LEGAL IMPLICATIONS

- 5.1 There are no direct legal implications arising from the recommendations of this report, although an updated policy on Street Traders will assist the Council with its obligations under the Civic Government (Scotland) Act 1982.

6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Compliance	An unconsolidated policy, which is not regularly reviewed may lead to non-compliance with the Councils obligations.	L	A consolidated policy will ensure the Council is complying with the Civic Government (Scotland) Act 1982.
Reputational	An out-of-date policy may lead to incorrect decisions being made by the Licensing Authority and in turn have a negative impact on the Council	L	The revised policy will ensure that appropriate and justifiable decisions are made.

7. OUTCOMES

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

8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Not required
Data Protection Impact Assessment	Not required

9. BACKGROUND PAPERS

None

10. APPENDICES

Appendices A – Mobile Street Trading Zones

Appendix B – Amended Licence Conditions

11. REPORT AUTHOR CONTACT DETAILS

Name	Arlene Dunbar
Title	Paralegal
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TRADING ZONES FOR MOBILE STREET TRADERS

ZONE ONE

Beach Promenade from the Ballroom northwards to Bridge of Don, along the line of the River Don to Persley Bridge, Mugiemoos Road, North Anderson Drive, Kingsgate, Beechgrove Terrace, Rosemount Place, South Mount Street, Hutcheon Street, George Street, Gerrard Street, Mounthooly, Nelson Street, Urquhart Road, Links Road to the Beach Ballroom.

ZONE TWO

Kings Cross roundabout, North Anderson Drive, Mugiemoos Road, Greyhope Road, Mugiemoos Road, Auchmill Road, Howes Road, outer western limits of Northfield and Mastrick housing estates to Lang Stracht, Eday Road, Stronsay Drive, Kingsgate to Kings Cross roundabout.

ZONE THREE - Excluded from this Zone is the City Centre zone 9

Kings Cross roundabout, Anderson Drive, South Anderson Drive to Bridge of Dee, eastwards along line of River Dee to harbour mouth, Beach Promenade to Beach Ballroom, Links Road, Urquhart Road, Nelson Street, Mounthooly, Gerrard Street, George Street, Hutcheon Street, South Mount Street, Rosemount Place, Beechgrove Terrace, Kingsgate to Kings Cross roundabout.

ZONE FOUR

Kings Cross roundabout, Kingsgate, Stronsay Drive, Eday Drive, Eday Road, Lang Stracht, Kingswells village, A944 roundabout westwards on Westhill Road, Blacktop Road, Countesswells Road, Hillhead, Craigton Road, Jacobs Ladder, Abbotshall Road, North Deeside Road, Station Road Pitfodells, Garthdee Road, Bridge of Dee, South Anderson Drive, Anderson Drive to Kings Cross roundabout.

ZONE FIVE

Bridge of Dee downstream to the harbour mouth, south along the coastline to city boundary, city boundary west and north to River Dee, downstream to Bridge of Dee.

ZONE SIX

Persley Bridge, River Don downstream to mouth of the river, coastline northwards to the city boundary, city boundary westwards to River Don and then southwards to Persley Bridge.

ZONE SEVEN

Persley Bridge, River Don downstream to mouth of river, northwards along the coastline to city boundary, city boundary west and south to A944, A944 to Kingswells, Lang Stracht to outer limits

of Mastrick and Northfield housing estates, Howes Road, Auchmill Road, Mugiemooss Road to Persley Bridge.

ZONE EIGHT

A944 roundabout at Kingswells westwards on Westhill Road, Blacktop Road, Countesswells Road, Hillhead, Craigton Road, Jacobs Ladder, Abbotshall Road, North Deeside Road, Station Road Pitfodells, Garthdee Road, Bridge of Dee, River Dee westwards to city boundary, city boundary northwards and westwards to A944, A944 eastwards to Kingswells roundabout.

ZONE NINE

Holburn Junction, Holburn Street, Justice Mill Lane, Langstane Place, Windmill Brae, Bath Street, Bridge Place, Bridge Street, Guild Street, Trinity Quay, Virginia Street, Commerce Street, East North Street, West North Street, Littlejohn Street, Gallowgate, Upperkirkgate, Schoolhill, Rosemount Viaduct, Skene Street, Albert Street, Albyn Place.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

CONDITIONS APPLICABLE TO A STREET TRADER'S LICENCE

1. DEFINITIONS:

- a) "the Council" means Aberdeen City Council and/or an authorised officer of that Council;
- b) "the licence holder" means the person named in the licence;
- c) "Licensing Authority" means the Licensing Committee of Aberdeen City Council;
- d) "relevant person" means a police officer or authorised officer of the Council;
- e) "stance" means any vehicle, kiosk or moveable stall not entered in the valuation roll to which the licence relates;
- f) "fixed stance trader" means "" means any trader licensed to trade at a fixed location within Aberdeen City;
- g) "mobile trader" means any trader licensed to trade within Aberdeen City Council's street trading zones
- h) "hot food trader" mean any trader licensed to trade in hot food including hot drinks.
- i) "other food trader" mean any trader licensed to trade in food other than hot food.
- j) "general trader" mean any trader, other than an hot food or other food trader, within Aberdeen City
- k) "street trading" shall have the same meaning ascribed to it by subsection 39(2) of the Civic Government (Scotland) Act 1982.

CONDITIONS

- 2. Subject to paragraph 16 of Aberdeen City Council's Employment of Children Byelaws (made 18 October 2001) which provide that a child aged fourteen (14) years or over may engage in street trading in certain circumstances, the holder of a street trader's licence shall not be less than sixteen (16) years of age.
- 3. A licence holder shall at all times, whilst engaged in the work of street trading, have with them the licence and identity badge issued to them by the Council. Upon reasonable request by a relevant person, the licence holder shall produce their licence and/or

identity badge to that relevant person.

4. The licence holder shall display both licence and identity badge on the stance and/or on the licence holder's outer person in a place that shall be both visible and conveniently read by members of the public.
5. The licence holder shall not at any time lend to or allow any other person to use their licence, and/or identity badge.
6. The licence holder shall not in any way alter, erase or deface their licence and/or identity badge. Where said licence/identity badge becomes illegible for any reason, the licence holder shall apply to the Council as soon as is reasonably practicable for a replacement.
7. The licence holder's identity badge shall remain the property of the Council at all times. Within seven days of the occurrence of any of the following, the licence holder shall return said identity badge to the Licensing Authority:
 - a) If the licence holder ceases to act for any reason for the unexpired period of their licence;
 - b) the licence is suspended by the Council ;
 - c) the licence expires and no application for renewal of said licence is made; or
 - d) any other reason upon reasonable request by the Licensing Authority.
8. The stance from which a licence holder trades shall be positioned in a place whereby no danger shall or be likely to arise to any member of the public at any time.
9. The stance from which a fixed stance trader hawks, sells or offers or exposes for sale their goods shall be of a form that can be removed within a reasonable timeframe if so required upon reasonable request by a relevant person.
10. Fixed stance traders shall trade only from the exact location(s) specified in the licence.
11. Mobile traders shall trade only within the zone(s) specified in their licence.
12. Mobile traders shall remain in the same place only for 20 minutes or the time it takes to serve the queueing customers, whichever is the later, and shall then move on. This condition is not applicable to general street traders."
13. The licence holder shall provide a bin or other suitable receptacle for the deposit of litter. Said bin/receptacle shall be placed within a reasonable distance from the stance in a place that is easily accessible by members of the public.
14. The licence holder shall carry out their street trading activity in a public place in a manner that does not at any time cause any type of obstruction, nuisance or annoyance to any member of the public or affect their safety in any way.
15. The licence holder shall operate only on the days and hours of operation as specified in the licence. On the terminal hour of trading, where it is reasonable and practical to do so, the stance shall be dismantled and removed by the licence holder.

16. The licence holder shall, if so required during trading hours and upon the terminal hour each day, ensure the collection and removal of any litter found in a public place within a fifteen (15) metre radius of their stance.
17. The licence holder shall comply with any reasonable instruction given by a relevant person in relation to his/her street trading activity.
18. The licence holder shall not commence their street trading activity until all necessary consents have been applied for and obtained from the Council and/or any other relevant body.
19. Where applicable, the licence holder shall comply at all times with the provisions of the Code of Practice on Noises from Ice-Cream Van Chimes etc, 1982, issued under Section 71 of the Control of Pollution Act 1974.
20. Where a licence is granted to a hot food trader or other food trader prior to any subsequent renewal of that licence, the licence holder shall ensure that there is a valid certificate of compliance for the stance from the Council's Environmental Services.
21. Where applicable, a licence holder shall ensure that any STT (Street Trader) number allocated to their stance by the Council's Environmental Services is painted on said stance in a position that can be conveniently and easily read by members of the public and shall be no less than five (5) centimetres both in height and breadth.
22. If, throughout the duration of the licence, a licence holder is convicted of any offence, they shall, within fourteen days of said conviction, notify the Licensing Authority in writing of that conviction.

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ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	22 March 2022
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Taxi Fare Review 2022
REPORT NUMBER	COM/22/067
DIRECTOR	Gale Beattie
CHIEF OFFICER	Fraser Bell
REPORT AUTHOR	Sandy Munro
TERMS OF REFERENCE	17.3

1. PURPOSE OF REPORT

- 1.1 To provide the Committee with the responses to the draft fare tariff agreed on 18 January 2022.

2. RECOMMENDATION(S)

That the Committee:-

- 2.1 Approves the fare tariff at Appendix 1;
- 2.2 Instructs the Chief Officer - Governance to notify all operators of taxis within 7 days of the new tariff and their rights of appeal to the Traffic Commissioner; and
- 2.3 In the absence of an appeal to the Traffic Commissioner, instructs the Chief Officer - Governance to publish the final fare tariff to take effect as of 30 April 2022.

3. BACKGROUND

- 3.1 At the meeting of 18 January 2022 the Committee approved the circulation of the fare tariff at Appendix 1.
- 3.2 There have been no responses received to the draft fare tariff.
- 3.3 Once the final fare tariff has been agreed the operators of taxis have to be informed within 7 days. Any operator may submit an appeal to the Traffic Commissioner within 14 days of being notified of the final fare tariff.
- 3.4 In the absence of any appeal, and given that there were no representations to the draft tariff, the risk of an appeal is considered minimal, the final fare tariff must be published in a newspaper as soon as possible after the 14-day appeal period, indicating the date on which the new fare tariff is to take effect. Whilst

the previous report indicated a possible date of implementation of 31 May it should be possible to achieve this by 30 April.

4. FINANCIAL IMPLICATIONS

4.1 The approval of the recommendations will require:

4.1.1 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.

4.1.2 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;

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

4.1.4 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.

5. LEGAL IMPLICATIONS

5.1 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.

6. 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 not carry out the review.	L	As this report is introducing the review for consultation within the statutory time period any risk is mitigated.
Environment / Climate	There is no risk to the environment arising from the recommendations of this report	L	

7. 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
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8. IMPACT ASSESSMENTS

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

9. APPENDICES

9.1 Appendix 1- Taxi Fare Tariff

10. REPORT AUTHOR CONTACT DETAILS

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NOTICE TO BE PROMINENTLY DISPLAYED IN VEHICLE

CITY OF ABERDEEN LICENSING OF TAXIS AND PRIVATE HIRE CARS
MAXIMUM CHARGES APPLICABLE TO HIRE OF TAXIS AND PRIVATE HIRE CARS FITTED WITH TAXI METERS
– WITH EFFECT FROM 11 APRIL 2022

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 7 and 9 to 10 apply to all taxis and private hire cars fitted with a meter.)

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| (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) | Airport Fees – Any current charge levied by Aberdeen International Airport in relation to dropping off or picking up passengers. (Passengers must be made aware that additional charges may be incurred in advance) | |
| (8) | For each hiring commencing at Aberdeen Railway Station (Railway Taxis Only). | £0.50 |
| (9) | A charge of £50 per incident of fouling a taxi. | |
| (10) | Where more than four passengers carried. | Add 50% to basic tariff plus Surcharges (excluding surcharges 4,7 and 8) |

Chief Officer- Governance

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ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	22 March 2022
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Taxi and Private Hire Conditions
REPORT NUMBER	COM/22/065
CHIEF OFFICER	Fraser Bell
REPORT AUTHOR	Sandy Munro
TERMS OF REFERENCE	17.3

1. PURPOSE OF REPORT

- 1.1 To provide the Committee with the amended conditions for taxis and private hire for final approval following the amendments to policy.

2. RECOMMENDATION(S)

That the Committee:-

- 2.1 approve the amendments to conditions in Appendix 1; and
- 2.2 agree an implementation date of 1 April 2022 for all amendments to coincide with the amendments to policy.

3. BACKGROUND

- 3.1 At the meeting on 26 October 2021 the Committee agreed to amended policies for taxi and private hire licences.
- 3.2 In order for the new policies to be enforceable a number of amendments to the standard conditions attached to licences are required. The changes are enclosed as Appendix 1.
- 3.3 Notice of the changes have been notified to the trade and no comments were received relating to the changes to the conditions.

4. FINANCIAL IMPLICATIONS

4.1 There are no direct financial implications arising from this report.

5. LEGAL IMPLICATIONS

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

6. MANAGEMENT OF RISK

Category	Risk	Low(L) Medium(M) High(H)	Mitigation
Strategic Risk	N/A		
Compliance	N/A		
Operational	N/A		
Financial	N/A		
Reputational	Policies may be unenforceable if relevant conditions are not attached to licences.	L	The purpose of the report is to incorporate the relevant conditions.
Environment/ Climate	N/A		

7. OUTCOMES

7.1 The proposals in this report have no direct 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 (if applicable)

10.1 Appendix 1 – Amended licence conditions

11. REPORT AUTHOR CONTACT DETAILS

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Licensing Solicitor
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Changes to Licence Conditions

Taxi & PHC Operators

New Conditions

- A licensed vehicle must have a current Pass Certificate issued after the vehicle had passed its last vehicle inspection.
If a Pass Certificate has expired the vehicle cannot be used as a taxi or private hire car until a new Pass Certificate has been obtained.
- The holder of a taxi or private hire operator licence must be the owner of the licensed vehicle, the named keeper on the V5 registration document and the named Insurer on the vehicle insurance certificate.
The only exceptions to this are-
 - ☐ Licences in the name of Partnerships, where the owner/keeper and insurance may be in the name of one of the partners.
 - ☐ Where a vehicle is leased from a recognised leasing company or purchased on finance, the leasing company or finance company may be the registered keeper or owner of the vehicle.

Removed Condition

- Requirement to display Insurance Disc on vehicle.

Taxi & PHC Drivers

New Conditions

- All applicants for the grant of a taxi or private hire driver licence, and all holders of those licences, must meet DVLA Group 2 medical standards at all times.

Therefore all drivers will be required to prove their medical fitness to DVLA Group 2 standards as follows-

- Driver 65 or over, proof required every 12 months
- Driver with existing medical condition, proof required every 3 years on licence renewal or every 1 or 2 years as directed under instruction of medical advisor
- Drivers with no existing medical condition, proof required every 3 years (on licence renewal)

Proof of medical fitness will be by means of either undergoing a medical through the independent medical advisors of the licensing authority or by providing other medical evidence from a recognised medical professional which clearly states that the named driver "meets current DVLA Group 2 medical standards". Any such evidence must be dated within 1 month of said proof being required by the licensing authority.

- All taxi and private hire drivers must comply with the following smart, not casual, dress code at all times when working:
 - Permitted attire (Examples)
 - o plain shirt, polo shirt, dress or blouse

- o dress jacket
- o dress trousers or skirt
- o dress shoes
- o taxi/private hire company branded clothing

Prohibited attire (Examples)

- o jeans
- o t-shirts
- o tracksuit trousers or tops
- o trainers
- o football shirts

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