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To: Councillor Al-Samarai, Convener; Councillor Delaney, Vice-Convener; and Councillors Boulton, Clark, Crockett, Fairfull, Farquhar, Graham, Henrickson, MacGregor, McLeod, Tissera and van Sweeden.

Town House,
ABERDEEN 7 December 2022

LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in **Council Chamber - Town House on TUESDAY, 15 NOVEMBER 2022 at 10.00 am**. This is a hybrid meeting and Members may also attend remotely.

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>

VIKKI CUTHBERT
INTERIM CHIEF OFFICER - GOVERNANCE

B U S I N E S S

NOTIFICATION OF URGENT BUSINESS

1.1. Urgent Business

DETERMINATION OF EXEMPT BUSINESS

2.1. Exempt Business

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. Minutes of Previous Meetings of 6 September and 4 November 2022
(Pages 5 - 18)
- 5.2. Minute of Meeting of the Taxi and Private Hire Car Consultation Group of 12 October 2022 (Pages 19 - 22)
- 5.3. Committee Business Planner (Pages 23 - 24)

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. New Licence for a House of Multiple Occupation - 45 Huxterstone Drive
(Pages 27 - 34)
- 8.2. Renewal of a Licence for a House in Multiple Occupation - 2 The Chanony
(Pages 35 - 40)
- 8.3. Renewal of a Licence for a House in Multiple Occupation - 379 Links Road
(Pages 41 - 44)
- 8.4. Renewal of a Licence for a House in Multiple Occupation - 44 Kincorth Place
(Pages 45 - 58)
- 8.5. Request for Exemption from Policy - Street Knowledge Test - Kenneth Watson (Pages 59 - 62)
- 8.6. Request for Exemption from Policy - Age of Vehicle - Alan and Valerie Mitchell (Pages 63 - 66)

- 8.7. Renewal of a Taxi Operator Licence - Jane and Gary Mair (A Partnership) - SV17 VAK (Pages 67 - 70)

Members please note that there is a written submission relating to this application contained within the Exempt/Confidential Business Section of this agenda at item 10.6 below.

- 8.8. Renewal of a Taxi Operator Licence - Paul Reynolds - SF60 AZP (Pages 71 - 72)

- 8.9. Request for Exemption from Policy - Street Knowledge Test - Dilshad Wasta Aziz (Pages 73 - 74)

COMMITTEE REPORTS

- 9.1. No reports under this heading

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. Grant of a Second Hand Dealer's Licence (Pages 77 - 80)
- 10.2. Renewal of a Taxi Driver Licence (Pages 81 - 84)
- 10.3. Request for the Suspension of a Taxi Driver Licence (Paragraph 11) (Pages 85 - 92)
- 10.4. Request for the Suspension of a Taxi Driver Licence (Paragraph 11) (Pages 93 - 110)
- 10.5. Request for Exemption from Policy - Wheelchair Accessible Vehicle (Pages 111 - 120)

CONFIDENTIAL CORRESPONDENCE

- 10.6. Written Submission Relating to Item 8.7 (Pages 121 - 122)

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

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

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LICENSING COMMITTEE

ABERDEEN, 6 September 2022. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Al-Samarai, Convener; Councillor Delaney, Vice Convener; and Councillors Boulton, Clark, Crockett, Fairfull, Farquhar, Henrickson, MacGregor, Malik, McLeod, Tissera and van Sweeden.

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

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

DECLARATIONS OF INTEREST AND TRANSPARENCY STATEMENTS

1. Members were requested to intimate any declarations of interest or transparency statements in respect of the items on today's agenda, thereafter the following were intimated:-

- (1) The Convener declared an interest in relation to item 8.13 (Request for Exemption from Permitted Vehicle Policy – Steven Hall PH105), by virtue of her knowing the applicant. She advised that the nature of her interest required her to leave the meeting and took no part in the Committee's deliberations thereon;
- (2) Councillor Clark declared an interest in relation to item 8.13 (Request for Exemption from Permitted Vehicle Policy – Steven Hall PH105) and item 10.3 (Request for Suspension or Revocation (Paragraph 11) of a Taxi Driver's Licence), by virtue of her knowing the applicants. She advised that the nature of her interest required her to leave the meeting and took no part in the Committee's deliberations thereon; and
- (3) Councillor Malik declared an interest in relation to item 8.12 (Grant of a Taxi Operator Licence – Varinder Sood), by virtue of him knowing the applicant. He advised that the nature of his interest required him to leave the meeting and took no part in the Committee's deliberations thereon.

DEPUTATION IN RELATION TO ITEM 9.2 (STREET KNOWLEDGE TEST - CONSULTATION RESULTS) FROM ABERDEEN TAXIS, COMCAB ABERDEEN AND RAINBOW CITY TAXIS - RUSSELL MCLEOD

2. The Committee had before it a deputation from Mr Russell McLeod, Rainbow City Taxis in relation to agenda item 9.2 (Street Knowledge Test – Consultation Feedback).

The Committee resolved:-

to hear the deputation prior to consideration of the report, which was to be taken sooner on the agenda.

LICENSING COMMITTEE

6 September 2022

STREET KNOWLEDGE TEST - CONSULTATION FEEDBACK - COM/22/181

3. With reference to article 2 of this minute, the Committee heard from Mr Russell McLeod on the proposals outlined in the report and by way of the consultation documents circulated previously by officers in terms of the review of the Street Knowledge Test.

In relation to the question regarding an amended test for Private Hire drivers, Mr McLeod advised that, although the responses were close, it was important to recognise that the conclusion was that there should be no amended test for Private Hire drivers, which was in his opinion, a view that 99% of the trade share. He explained that all drivers should be trained to the same level, but accepted that it was a different licence, although in Aberdeen they both do exactly the same job. He indicated that currently all three of Aberdeen's largest Taxi Companies (Aberdeen Taxis, ComCab Aberdeen and Rainbow City Taxis), operate using both taxis and private hire vehicles which were driven by Taxi Drivers, to do the same job, and therefore it was in nobody's interest, especially the public, to have a two-tier system, when they were doing the same job. He intimated that it was quite clear, that the test for Private Hire drivers should not be abolished and therefore requested that the Committee should dismiss this option.

In relation to whether the test re-sit procedure should be amended, Mr McLeod advised that Aberdeen Taxis, ComCab Aberdeen and Rainbow City Taxis had sought changes for over three years and the current test format not only dissuaded applicants from attempting, but also from re-sitting the test.

In relation to the proposal for a driver training qualification to be introduced, Mr McLeod agreed that it should be considered in the future, but at this time, it was important to let the trade get back on its feet first.

Mr McLeod acknowledged that there was a shortage of taxis for night-time revellers, but explained that they were the only trade, which was tackling this issue, intimating that there was no other help at peak-times, there were no buses and there was the access issue to the busiest night-time rank (St Nicholas Church).

Mr McLeod advised that earlier this week, he had been advised that the Taxi Rank Marshals' hours had been adjusted to coincide with the ranks at peak times and was assured that the next step of the City Centre Masterplan, would see taxis and private hire vehicles gain access to Union Street at Market Street and Bridge Street.

Mr McLeod made reference to the Taxi Driver Training Schools which were being conducted by the three companies.

Mr McLeod provided details regarding the proposal from Aberdeen Taxis, ComCab Aberdeen and Rainbow City Taxis to increase taxi driver numbers due to a significant decrease as a result of Covid 19, as follows:-

- That each of the 4 modules be treated as individual, if an applicant passed one module at their first visit, they should be allowed to keep "bank" that pass for 6 months. Therefore, once an applicant had passed one module, they then have 6

LICENSING COMMITTEE

6 September 2022

months to pass all 4 modules, if each test had a cost, then the applicant would need to meet this cost.

- If after 6 months the applicant had not passed, then they need to undertake all four sections again. This would not erode the test as each applicant would be required to put in the same effort, just without the pressure to pass all modules, or have to start again;
- This would encourage more applicants and in time will have a positive impact on the number of drivers in the city. We would estimate that within 6 months, this could result in another 25+ drivers, but with no eradication, to our very high standards;
- Each successful applicant would still need to pass all modules, just not all at once. Each driver would still need to pass the same test as every other driver; and
- We are also of the opinion that the 75% pass rate needs to be reviewed. This is something that we would intend to take back to the Taxi and Private Hire Car Consultation Group.

The Convener, on behalf of the Committee, thanked Mr McLeod for his deputation.

With reference to article 24 of the minute of the previous meeting of 5 July 2022, the Committee had before it a report by the Director of Commissioning which outlined the results of the consultation with the taxi trade and the general public on possible amendments to the Street Knowledge Test.

The report recommended:-

that the Committee –

- (a) consider the consultation responses; and
- (b) agree to progress any options considered appropriate.

The Committee resolved:-

- (i) to note the consultation responses;
- (ii) to agree not to amend or abolish the test for Private Hire drivers;
- (iii) to agree that if the applicant fails one section of the test, they would be afforded one opportunity to resit that section of the test again within a three month period;
- (iv) to note that if the applicant fails more than one section of the test, they would be required to sit all sections of the test again under no time constraints; and
- (v) to defer consideration of introducing a SQA qualification or equivalent at this time and that a report be submitted to the Committee in this regard in 12 months' time.

MINUTE OF PREVIOUS MEETING OF 5 JULY 2022

4. The Committee had before it the minute of its previous meeting of 5 July 2022, for approval.

The Committee resolved:-

to approve the minute.

LICENSING COMMITTEE

6 September 2022

COMMITTEE BUSINESS PLANNER

5. 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.

REFERRALS FROM THE TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP MEETING OF 26 AUGUST 2022

6. The Committee had before it three referrals from the meeting of the Taxi and Private Hire Car Consultation Group of 26 August 2022, for consideration.

The referrals related to a request that (1) the Licensing Committee consider whether to bring forward the Taxi Fare Review process; (2) the Licensing Committee consider deferring the Taxi Demand Survey for a period of 12 Months; and (3) the Licensing Committee agree to increase the number of annual meetings of the group to four, commencing in 2023.

The Committee resolved:-

- (i) to take no action at this time in relation to bringing forward a review of the Taxi Fare Review;
- (ii) to defer the commencement of a Taxi Demand Survey for 12 months; and
- (iii) to increase the number of annual meetings of the Taxi and Private Hire Car Consultation Group to four, commencing in 2023.

NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 16 CRAIGIE STREET, FLAT A

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

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 37 ORCHARD STREET

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

LICENSING COMMITTEE

6 September 2022

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 8 ORCHARD ROAD

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

NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 38 FONTHILL TERRACE

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

NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 13 ROSE STREET, FLAT A

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

NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 13 ROSE STREET, FLAT B

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

NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 80 WESTERN ROAD

13. 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 two letters of representation had been submitted; and that the necessary upgrading work and certification had not been completed.

Mrs Jocelyn Janssen, Private Sector Housing Manager advised that the works had now been completed.

The applicant was in attendance.

The respondents were not in attendance, nor represented.

The Committee resolved:-
to grant the licence.

LICENSING COMMITTEE

6 September 2022

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - SECOND FLOOR FLAT, 2 QUEENS GATE

14. 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 two letters of representation had been submitted; and that the necessary upgrading work and certification had not been completed.

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

The respondents were not in attendance, nor represented.

The Committee resolved:-

to defer consideration of the application until the works were completed, after which time the Chief Officer - Early Intervention & Community Empowerment could grant the licence under delegated powers if appropriate.

GRANT OF A STREET TRADER'S LICENCE - PAULIES MEDIA LTD, HARENESS ROAD, SOUTH SIDE 65M WEST OF BLACKNESS ROAD

15. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that one letter of representation had been received and that the application required to be determined by 21 April 2023.

The applicant's agent, Mr Michael Stewart was in attendance and spoke in support of the application.

The respondent was not in attendance, nor represented.

The Committee resolved:-

to approve the licence.

GRANT OF A STREET TRADER'S LICENCE - PAVEL PLASEK, BEACH ESPLANADE, EAST SIDE 100M SOUTH OF LINKS ROAD (SOUTHERN SPUR)

16. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the Environmental Health Team had been unable to issue a compliance certificate for the catering van to date and the application required to be determined by 23 September 2022.

The applicant, Mr Pavel Plasek was in attendance and spoke in support of his application and responded to questions from members.

LICENSING COMMITTEE

6 September 2022

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

The Committee resolved:-

to defer consideration of the application to allow the applicant to undertake the necessary works to obtain the environmental health certificate of compliance by 23 September 2022, and if appropriate that the Chief Officer - Governance could grant the licence under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Sub Committee for consideration.

GRANT OF A LATE HOURS CATERING LICENCE - L & M STORES PREMIER, 132-134 HUTCHEON STREET

17. The Committee had before it an information note prepared by the Chief Officer – Governance in respect of the application which advised that the applicant had requested 05:00 as the terminal hour for Monday to Sunday which was out with the Licensing Committee policy for late hours catering licence within the City Centre area.

The applicant agent, Mr Sandy Kilminster was in attendance and spoke in support of his application and answered questions from members.

The Committee resolved:-

to approve the licence.

In accordance with Article 1 of this minute, Councillor Malik left the meeting for the following item of business.

At this juncture, Councillor Boulton declared an interest in relation to the following item of business by virtue of her being called as a witness in Court proceedings relating to the applicant. She advised that the nature of her interest required her to leave the meeting and took no part in the Committee's deliberations thereon.

Also at this juncture, Councillor MacGregor declared an interest in relation to the following item of business by virtue of him knowing the applicant. He advised that the nature of his interest required him to leave the meeting and took no part in the Committee's deliberations thereon.

GRANT OF A TAXI OPERATOR LICENCE - VARINDER SOOD

18. The Committee had before it an information note prepared by the Chief Officer – Governance in respect of the application, which advised that following inspection, the

LICENSING COMMITTEE

6 September 2022

applicant's modified vehicle did not meet the Wheelchair Accessible Vehicle specifications of the Licensing Authority.

The licence holder, Mr Varinder Sood was in attendance, spoke in support of his application and responded to questions from members.

Mr John Weir, Fleet Services Manager was in attendance and responded to questions from members.

The Committee resolved:-

to defer consideration of the application to allow the applicant to seek to resolve the discrepancies with the Wheelchair Accessible Vehicle specification and to waive the inspection fee thereafter.

In accordance with Article 1 of this minute, the Convener and Councillor Clark left the meeting for the following item of business.

REQUEST FOR EXEMPTION FROM PERMITTED VEHICLE POLICY - STEVEN HALL PH105

19. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the applicant was seeking an exemption from the Permitted Vehicles policy, seeking permission to submit an application to licence an SUV which was not permitted under the current policy.

The applicant was in attendance and advised that Mr Russell McLeod would speak on his behalf in support of his request.

The Committee resolved:-

- (i) to approve the request for exemption from the Permitted Vehicle Policy; and
- (ii) to note that the Chief Officer - Governance would review the wording and the specifications in the current Permitted Vehicles Policy and submit a report in this regard in due course.

REVIEW OF STREET TRADER POLICY - COM/22/180

20. With reference to article 17 of the minute of meeting of 22 March 2022, the Committee had before it a report by the Director of Commissioning which presented the responses to the Street Trader Policy consultation and sought approval to implement and publish the new policy.

The report recommended:-

that the Committee –

- (a) note the responses received in respect of the Street Trader Policy consultation;

LICENSING COMMITTEE

6 September 2022

- (b) approve the Street Trader Policy and agree that it takes effect from 1 November 2022; and
- (c) instruct the Chief Officer - Governance to publish the Street Trader Policy on the Council's website.

The Committee resolved:-

to approve the recommendations.

SHORT TERM LETS - NEW LICENSING POWERS - CUS/22/191

21. The Committee had before it a report by the Director of Customer Services which sought approval for a Short Term Lets policy to allow the Council to licence short-term lets in Aberdeen under the 'Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022'.

The report recommended:-

that the Committee –

- (a) approve the Short Term Lets Policy with effect from 1 October 2022 in Appendix 1;
- (b) approve the proposed Additional Licence Conditions with effect from 1 October 2022 in Appendix 2;
- (c) approve the Temporary Licence statement with effect from 1 October 2022 in Appendix 3; and
- (d) approve the Temporary Exemption statement with effect from 1 October 2022 in Appendix 4.

The Committee resolved:-

- (i) to approve the recommendations;
- (ii) that a report providing details in relation to the number of registered licence holders and any challenges in respect of the policy be submitted to the Committee in nine months' time; and
- (iii) that a review of the policy be undertaken 12 months from the implementation date (1 October 2022), with a report being submitted to Committee thereafter.

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.

LANDLORD REGISTRATION (AGENDA ITEM 10.1)

22. The Committee had before it (1) an information note prepared by the Private Sector Housing Manager, which provided details in relation to an application for Landlord

LICENSING COMMITTEE

6 September 2022

Registration; (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 14 July 2022; and (3) correspondence from the applicant in response to the letter from Police Scotland.

The applicant was not in attendance, nor represented.

Police Constable Duthie was in attendance and spoke in support of Police Scotland's letter.

The Committee resolved:-

to refuse the licence on the grounds that the applicant was not a fit and proper person to be registered as a landlord.

LANDLORD REGISTRATION (AGENDA ITEM 10.2)

23. The Committee had before it (1) an information note prepared by the Private Sector Housing Manager, which provided details in relation to an application for Landlord Registration; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division dated 14 July 2022.

The applicant was not in attendance, nor represented.

Police Constable Duthie was in attendance and spoke in support of Police Scotland's letter.

The Committee resolved:-

to refuse the licence on the grounds that the applicant was not a fit and proper person to be registered as a landlord.

In accordance with Article 1 of this minute, Councillor Clark left the meeting for the following item of business.

REQUEST FOR SUSPENSION OR REVOCATION (PARAGRAPH 11) OF A TAXI DRIVER'S LICENCE (AGENDA ITEM 10.3)

24. The Committee had before it (1) an information sheet prepared by the Chief Officer – Governance, which advised that a request had been received under Paragraph 11, Schedule 1 of the Civic Government (Scotland) Act 1982 for the suspension or revocation of a Taxi Driver's licence; (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 7 July 2022; and (3) a letter of representation submitted by the licence holder.

Police Constable Duthie was in attendance and spoke in support of Police Scotland's letter.

LICENSING COMMITTEE

6 September 2022

The licence holder was not in attendance, nor represented.

The Vice Convener, seconded by Councillor Fairfull, moved:-
that the Committee revoke the licence on the grounds that the licence holder was not a fit and proper person.

Councillor Boulton, seconded by the Convener, moved as an amendment:-
that the Committee defer consideration of the request to allow the licence holder to attend the next meeting of the Committee.

Councillor MacGregor moved a further amendment as follows:-
that the Committee take no action.

Councillor MacGregor's amendment was not seconded, therefore in terms of Standing Order 29.12, the amendment fell.

On a division, there voted:- for the motion (4) – the Vice Convener and Councillors Crockett, Fairfull and Tissera; for the amendment (8) – the Convener and Councillors Boulton, Farquhar, Henrickson, MacGregor, Malik, McLeod and van Sweeden.

The Committee resolved:-

to adopt the amendment.

REQUEST FOR SUSPENSION (PARAGRAPH 12) OF A TAXI DRIVER'S LICENCE (AGENDA ITEM 10.5)

25. The Committee had before it (1) an information sheet prepared by the Chief Officer – Governance, which advised that a request had been received under Paragraph 12, Schedule 1 of the Civic Government (Scotland) Act 1982 for the suspension of a Taxi Driver's licence; and (2) correspondence from the Enforcement Officer, Licensing Team.

The licence holder was in attendance, spoke in support of the licence and responded to questions from members of the Committee.

The Committee resolved:-

to suspend the licence holder for the unexpired period of his licence.

RENEWAL OF A TAXI DRIVER'S LICENCE (AGENDA ITEM 10.4)

26. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the application required to be determined by 20 March 2023.

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

LICENSING COMMITTEE

6 September 2022

The Committee resolved:-

- (i) to refuse the licence; and
- (ii) to agree that if the applicant received confirmation from his GP that he meets DVLA Group 2 medical standards, that the Chief Officer – Governance be instructed to waive the fee for a fresh application and the requirement to sit the street knowledge test and could grant the licence under delegated powers, if appropriate.

RENEWAL OF A TAXI DRIVER'S LICENCE (AGENDA ITEM 10.6)

27. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the application required to be determined by 24 February 2022.

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

The Committee resolved:-

to approve the licence.

- **COUNCILLOR GILL AL-SAMARAI, Convener**

LICENSING COMMITTEE

ABERDEEN, 4 November 2022. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Al-Samarai, Convener; Councillor Delaney, Vice Convener; and Councillors Clark, Crockett, Fairfull, Farquhar, Graham, Henrickson, McLeod, Tissera and van Sweeden.

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

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

DECLARATIONS OF INTEREST AND TRANSPARENCY STATEMENTS

1. There were no declarations of interest or transparency statements intimated.

GRANT OF A TAXI OPERATOR LICENCE - VARINDER SOOD

2. With reference to article 18 of the minute of the previous meeting of 6 September 2022, the Committee had before it an information note prepared by the Chief Officer – Governance in respect of the application, which advised that following inspection, the applicant's modified vehicle did not meet the Wheelchair Accessible Vehicle (WAV) specifications of the Licensing Authority.

The Committee heard Mr Sandy Munro, Legal Adviser, Aberdeen City Council provide background information in relation to the application and responded to questions from members.

The applicant, Mr Varinder Sood was in attendance, spoke in support of his application, responded to questions from members and then summed up.

The Committee resolved:-

- (i) to defer consideration of the application to allow the applicant to undertake a further vehicle inspection at Fleet Services and to waive the inspection fee; and
- (ii) that if the vehicle meets the required WAV measurement specifications set by the Licensing Authority, the Chief Officer – Governance could grant the application under delegated powers, however if it did not, the application be referred to the Licensing Committee for consideration.

- **COUNCILLOR GILL AL-SAMARAI, Convener**

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TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP

ABERDEEN, 12 October 2022. Minute of Meeting of the TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP. Present:- Councillor Al-Samarai, Chairperson; and Councillors Crockett, Farquhar and van Sweeden (as substitute for Councillor Clark); and Chris Douglas (Aberdeen Taxis) and Stewart Duncan (Airport Taxis).

In attendance:- PC Ina Duthie (Police Scotland), Sandy Munro and Dave McKane (Licensing Team), John Weir (Fleet Manager, Operations) Mark Masson and Gogo Okafor (Committee Services).

WELCOME AND APOLOGIES

1. The Chairperson welcomed those in attendance to the meeting.

The Clerk intimated that apologies for absence had been submitted by Councillors Boulton, Clark, Delaney and Henrickson; and Mr Russell McLeod.

He also indicated that Councillor van Sweeden was in attendance as the substitute for Councillor Clark.

MINUTE OF MEETING OF 26 AUGUST 2022, FOR APPROVAL

2. The Consultation Group had before it the minute of its previous meeting of 26 August 2022.

The Consultation Group resolved:-

to approve the minute as a correct record.

REFERRALS - MINUTE EXTRACT FROM MEETING OF LICENSING COMMITTEE OF 6 SEPTEMBER 2022

3. With reference to articles 5, 6 and 11 of the minute of the previous meeting of 26 August 2022, the Consultation Group had before them for information, a minute extract from the meeting of the Licensing Committee of 6 September 2022.

The Consultation Group resolved:-

- (i) to note that the Committee took no action at this time in relation to bringing forward a review of the Taxi Fare Review;
- (ii) to note that the Committee deferred the commencement of a Taxi Demand Survey for 12 months; and
- (iii) to note that the Committee agreed to increase the number of annual meetings of the Taxi and Private Hire Car Consultation Group to four, commencing in 2023.

ENFORCEMENT OFFICER REPORT

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP
12 October 2022

4. 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.

Dave McKane highlighted the main issues from his report and responded to questions from members, clarifying in particular (1) that the driver numbers (4%) had stabilised in the past 12 months; and (2) that the number of tests passed was 23% and not 28% as reported.

Chris Douglas suggested that to help monitor trends/impact, could statistics on Passes/Fails following test results be added to future reports.

The Consultation Group resolved:-

- (i) to note that the Enforcement Officer would add statistics of Passes/Fails following street knowledge test results to future reports to the Group; and
- (ii) to otherwise note the information provided.

PUBLIC SAFETY - ITEM SUBMITTED BY STEWART DUNCAN

5. The Consultation Group had before it correspondence from Stewart Duncan in relation to Public Safety.

The Group heard Mr Duncan make reference to the recent death of Jill Barclay and he suggested that there was a requirement to discuss with all relevant stakeholders (Aberdeen City Council, taxi booking offices, press and Police Scotland) the issue regarding public safety, and explore any of the collective actions, which could be taken to reassure the public that the stakeholders could provide safe areas for single travellers to support people who find themselves in unexpected vulnerable situations.

The Group then heard PC Ian Duthie, provide a detailed response in terms of the ongoing initiatives which were already in place to ensure public safety, including the following:-

- Licensed Premises 'Ask for Angela' – adopted by approximately 90% of the trade, Bar and Door Staff receiving training, Places of Safety within licensed premises, contacting friends/family and/or Police;
- Bystander Training (intervention) – Rolled out to the licensing trade and University population which displayed various scenarios and video content and sought feedback and provided recommendations on what should be done if they have any concerns;
- Licensed Premises Duty of Care and Drugs Policy – spiking incidents reported but following investigation there had been no confirmed cases in the local area; requirement for staff to contact taxi/friends/family/police etc with instruction that vulnerable people should not just be asked to leave the premises and left on their own;

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP
12 October 2022

- Street Pastors (Christian community volunteers) – trained to engage with people on the street, to listen care and help those in need; vehicle situated on Belmont Street at weekends;
- NHS Hub – can assist and respond to situations which alleviates pressure on paramedics and ambulance services; Police would also take people to hospital if there was a requirement to do so;
- Taxi Marshalls – providing assistance at the night time taxi ranks, hours of operation recently changed at the request of the Consultation Group;
- Weekend briefing sessions held within the policing teams, which would highlight any licensing issues/concerns.

During the discussion, the following was noted:-

- that taxis were an expensive option for many on low incomes, especially when the distance of travel to get home at night may be relatively short, although could be quite worrying for some, particularly when they were alone;
- that taxi drivers were reminded to be vigilant, particularly as they cover large areas of the city 24/7;
- that at present there was no appetite from the licensing trade to establish the 'Unite Group', or something similar; and
- that Aberdeen Taxis had developed a 'Safe Cab' App for smart phones, which other companies could consider using, which incorporated a 'Safe Walk' feature, to help people who were unable to find/flag down a taxi, and was designed to share the users location with friends/family for tracking purposes, but also had a 'panic button' to alert taxi offices.

The Consultation Group resolved:-

- (i) that the Clerk would look into the possibility of arranging a demonstration of the 'Safe Cab' App at the next meeting of the Licensing Committee; and
- (ii) to otherwise note the information provided.

MEETING DATES FOR 2023

6. The Consultation Group had before it the dates for the four meetings to be held in 2023 at 10am in the Town House as follows:-

- 8 February 2023;
- 5 April 2023;
- 4 October 2023; and
- 6 December 2023.

The Consultation Group resolved:-

to note the meeting dates.

- **COUNCILLOR GILL AL-SAMARAI, Chairperson**

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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			15 November 2022						
4	Taxi Fleet Composition	To provide an update on the transition from the 100% WAV Policy to a Mixed Fleet Policy		Sandy Munro	Governance	Commissioning	17.3	D	Delayed in order for further benchmarking to be undertaken and for consultation with the Disability Equity Partnership.
5			TBC/2023						
6	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		
7	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	17.3		
8	Review of the Short Term Lets Policy	The Committee on 06/09/22 agreed that a review of the policy be undertaken 12 months from the implementation date (1 October 2022).	Due early 2024	Jocelyn Janssen	Early Intervention and Community Empowerment	Customer	17.3		
9	Review of Permitted Vehicle Policy	The Committee on 06/09/22 agreed to instruct the Chief Officer - Governance to review the wording and the specifications in the current Permitted Vehicles Policy and submit a report to this Committee in due course.		Sandy Munro	Governance	Commissioning	17.3		

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Application	Name of Applicant & Agent	Premises of which application refers	Representations received	Date by which application to be determined (date order)	Page Number
HMO Application (New)	Castlehill Housing Trust	45 Huxterstone Drive, Aberdeen	1 Objection	21 August 2023	27 - 34
HMO Application (Renewal)	Lady Dorothy Angest + Winchesters Lettings	2 The Chanonry, Aberdeen	1 Objection (and 1 late objection received 22/9/22)	29 August 2023	35 - 40
HMO Application (Renewal)	Marie Drury + Margaret Duffus Leasing	379 Links Road, Aberdeen	1 Objection (Late received 18/10/22)	22 September 2023	41 - 44
HMO Application (Renewal)	Aurelie Mercier	44 Kincorth Place, Aberdeen	2 Objections	11 October 2023	45 - 58
Request for Exemption from Policy – Street Knowledge Test	Kenneth Watson	N/A	Legal	N/A	59 - 62
Request for Exemption from Policy – Age of Vehicle	Alan & Valerie Mitchell	N/A	Legal	N/A	63 - 66
Renewal of Taxi Operator Licence	Jane & Gary Mair (A Partnership)	SV17 VAK	Legal	25 September 2023	67 - 70
Renewal of Taxi Operator Licence	Paul Reynolds	SF60 AZP	Legal	28 November 2022	71 - 72
Request for Exemption from Policy – Street Knowledge Test	Dilshad Wasta Aziz	N/A	Legal	N/A	73 - 74

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LICENSING COMMITTEE INFORMATION SHEET

15 November 2022

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (NEW)

APPLICANT: CASTLEHILL HOUSING TRUST

AGENT: NONE STATED

ADDRESS: 45 HUXTERSTONE DRIVE, ABERDEEN

INFORMATION NOTE

This HMO licence application is on the agenda of the Licensing Committee for the reason that 2 representation/objection e-mails were submitted to the HMO Unit.

If, after consideration of the representation/objection, the Committee is minded to grant the HMO licence, it may do so under delegated powers since at the time of drafting this report, the necessary upgrading works and certification have not been completed. I will advise Members during the Committee if that position has changed.

DESCRIPTION

The detached house at No.45 Huxterstone Drive, Aberdeen, is the subject of this new HMO licence application and its accommodation comprises 4 letting bedrooms, lounge, kitchen, utility room, dining room, activity room & 2 wet rooms. The applicant wishes to accommodate a maximum of 4 tenants, which is acceptable to the HMO Unit in terms of space and 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 public to the HMO licence application.

REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- One objection e-mail from W. Roadnight (Attached as Appendix B)
- Applicant– one letter of representation in response to the objection letter (Attached as Appendix C)

The objection was received within the statutory time period therefore the Council must consider.

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 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 their registration includes No.45 Huxterstone Drive.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints in respect of No.45 Huxterstone Drive.
- All upgrading work required by the HMO Officer, including certification, has not yet been completed.
- There are no other Granted HMO's at Huxterstone Drive.
- The objection mentions parking, members may wish to note that car parking is not a consideration of HMO Licensing as it is not mentioned in the Statutory Guidance, nor is it covered by any of the statutory grounds of refusal mentioned above.

'A'



Aberdeen City Council
Housing & Environment
DATE RECEIVED
14 SEP 2022
Private Sector Housing Unit

[REDACTED] Huxterstone Drive
Kingswells
Aberdeen
AB15 8UN

Tel: Mobile [REDACTED]
Home [REDACTED]

05/09/22

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

Dear Sir

License Application for House of Multiple Occupancy at

45 Huxterstone Drive, Aberdeen, AB15 8UN

By Castlehill Housing Association, 4 Carden Place, AB10 1UT

I have contacted Castlehill Housing Association to establish what use the building, originally intended for single occupancy for a (single) family unit, would be put to. I am advised that it would be for 3 or more unrelated disabled or adults with learning disabilities.

I write to record my objection in the strongest possible terms to this proposal on the following grounds

- 1) Kildonan Developments Planning permission for the development of Kingswells excludes use of a property by more than one family unit**
A copy of the Land Certificate for the writer's property is held by the writer, (ABN106761). This refers to the developer appeal to the Secretary of State against refusal of permissions, and the conditions imposed on the development. Page D14, Section D, Burdens, Subsection (5) "The houses shall be used solely as private dwellinghouses and for no other purpose whatsoever and none shall be sub-divided or occupied by more than one family at a time ..."

The above statement would appear to exclude HMO institutional use.

- 2) Road Access**
Huxterstone Drive is a Novel Path (or Way) road design. The writer is advised that the exact specification of this road design, and purpose, is now archived and effectively not available. The specification outlines:-

- (1) Single track and intended for low volumes of traffic.
- (2) Has passing places for passing and re-passing.
- (3) Has no sidewalks for the safety of pedestrians.
- (4) As there are no sidewalks and the road is narrow, the opportunity to park 'at the side of the road', is not available – apart from in the passing places, which leads to road blockages, especially when refuse collection vehicles or builders lorries are in present.

3) Parking

For the support services, that such an institutional development can be expected to require, the parking required would not be available. While the frontage of this building is all given over to parking, it is submitted that this will probably not be sufficient. Other options for parking are not available as on-street parking blocks the street. (See (2.4 above).

4) Access to local shops

As the proposed residents will be physically disabled, or with learning difficulties, they will need pedestrian access to a full range of shops for groceries and other needs. The CO-OP in Kingswells provides some shopping, but not a full range. Existing residents have to walk in the shared-use road/footpath, as there are no pavements/ sidewalks available. It is submitted that the proposed residents will require adult supervision if they step past their front door. Therefore, this is not the right place for an institution dedicated to housing Disabled people, and Adults with Learning Disabilities.

5) Refuse

An institutional undertaking of the type proposed could expect to use industrial-type refuse bins, as is usual for commercial premises. These are of either 660Lt or 1100Lt capacity. This would need a different collection and, as Huxterstone Drive is a single-track road, the collection vehicle would have to go in one end and out the other. Large vehicles lead to disruption of residential traffic. The locbloc surface of the road is not designed for heavy collection lorries and the existing burden of residents is beginning to destroy the existing locblocks, under existing traffic.

6) Mostly elderly population

Other residents in the street are mostly elderly, some living on their own. This is a consequence of being bungalows, (no stairs is desirable for the elderly). The residents of such an institution would, one can assume, feel out of place in an elderly community. Also, existing residents would be unable to help the proposed residents, should they need assistance.

Yours faithfully



W S Roadnight

3 November 2022

Ms Jocelyn Janssen
Private Sector Manager
Aberdeen City Council
Marischal College
Broad Street
Aberdeen
AB10 1AB



4 Carden Place
Aberdeen, AB10 1UT

T: 01224 625822
E: info@castlehillha.co.uk
W: www.castlehillhousingtrust.org.uk

Dear Ms Janssen

HMO application 45 Huxterstone Drive (HOUS446021650)

I am writing in connection with Castlehill Housing Trust's application for an HMO licence in respect of 45 Huxterstone Drive. As you are aware the Council has received five letters objecting to the granting of the licence, and as a result the application will be considered by the Licensing Committee on 15th November. As requested, this letter is being submitted in support of our application, and I seek not only to provide some additional background to the proposal but also to respond to the concerns raised by the residents who have raised objections.

I wrote to all five people who had submitted objections, as well as to all other householders in Huxterstone Drive, on 28th September. The purpose of that letter was to address their concerns as well as to provide assurance about the nature of service that will be provided at the property if the HMO is granted. I invited everyone to contact me by email or phone to discuss their concerns. To date I have only received one response and this to state that they would be happy to see the new service in place in 45 Huxterstone Drive now that further information had been provided.

45 Huxterstone Drive has been owned by Castlehill Housing Trust (CHT) since 1997. Until the spring of this year CHT leased the property to Cornerstone. For 25 years it was used as a registered care home to provide accommodation and support for adults with learning disabilities. When Cornerstone chose to withdraw from providing the service and end the lease in May of this year, Aberdeen City Council commissioned Archway to provide a very similar service for adults with learning disabilities. Accordingly, Castlehill Housing Trust has been working with Archway to lease the building to them to provide a home for these individuals.

Archway is an independent Aberdeen based parent led charity offering a range of innovative community-based services to improve the opportunities available and quality of life for people with learning disabilities in Aberdeen and throughout the Northeast area – it has been operating for over 30 years. The service being planned by Archway will provide a permanent home for four people with learning disabilities. They will be supported by staff 24 hours a day 7 days a week.

Cornerstone's project involved a level of personal care which required their service to be registered as a care home, but Archway's service does not involve that level of care and as a result does not need to be registered as a care home. As you are aware, a registered care home does not require an HMO licence, even though it provides homes for three or more unrelated people. Since the Archway project is not a registered care home, CHT, as owner, must register the property as an HMO. We are aware that some people may have preconceptions about HMOs and hold the view that they can have a negative effect on a neighbourhood and this may impact on their views on any proposal for an HMO in their own area. I sought to reassure the residents of Huxterstone Drive that Castlehill Housing Trust already holds a number of HMO licences for a number of properties where similar services are provided not just in Aberdeen City but also in Aberdeenshire and Moray, and that these work well. Similarly, I told them that Archway runs other services, for other housing providers, in other properties with HMO licence. As a final reassurance I pointed out that the lease has been signed for an initial 5 years. Although we do not anticipate any problems at all, it can be ended with 3 months' notice if Archway does not keep to the terms of the lease.

It is our view that the nature of the service to be provided by Archway would result in no material change for the residents on Huxterstone Drive. Previously the property was leased to Cornerstone as a care home, it will now be leased to Archway, and the change from care home to HMO is a designation only, as the care home registration is not required, which will provide a more domestic setting for the residents.

We understand fully that residents in Huxterstone Drive will be apprehensive about a new service being introduced within their neighbourhood, having been used to having Cornerstone for 25 years and I detailed our response to their stated concerns below

Parking

Concerns have been raised on whether there is adequate parking within the curtilage of the property. There is hard standing to the front and side of the building and Archway deems that there is more than ample for the number of staff who will be in the property at any time. As result there will be no need to park out with the immediate curtilage of the property. Archway also points out that most of its care staff are not car owners and use public transport to get to work.

Traffic and noise levels

There is some concern about a potential increase in traffic and noise levels. However, as previously explained the service will run on the same lines as the Cornerstone service so no change is likely

Refuse collection

In relation to the worry that the service would have to use industrial sized refuse bins which would require separate collection by large vehicles. However, the house will maintain the existing domestic wheelie bins, it is not an institutional setting and will not use commercial bins.

Condition of garden

There has been a concern that any new provider would not look after the garden. It is one of the conditions of the lease that Archway take responsibility for garden maintenance. This may have not started yet given the delay in getting the HMO licence and commencing the service, but we will ensure that the garden is tidied meantime.

Access to facilities

A concern has been raised that 45 Huxterstone Drive might not be a suitable environment for the proposed residents of this service, given that there are no pavements, local facilities and limited, and that other residents in the area are elderly and could not provide assistance to the residents at no.45 if required. However, the individuals that will live there will be supported by staff and whilst they may have some physical disabilities all are mobile and will be able to safely access the local facilities, as did the previous occupants. In addition, no support from any existing residents will be required for the individuals since they will have staff 24/7 and, given the previous occupants at the house lived there happily for many years it is anticipated that the street will be a welcoming place for the new individuals moving in.

Planning permission

One resident raised a query about whether this proposed HMO is compliant with the restrictions imposed when planning permission was granted for the properties on Huxterstone Drive. It is our view that, given 45 Huxterstone Drive operated as a registered care home for 25 years, that this has been laid aside. We have sought advice from our solicitors who has conducted appropriate searches and cannot see that this is a valid objection to the granting of an HMO.

I hope that this provides you with sufficient information but if you require anything further, please contact me by email or phone. My email is [REDACTED] or you contact me by phone: [REDACTED]

Yours sincerely

[REDACTED]

Director of Housing and Property Services

LICENSING COMMITTEE INFORMATION SHEET

15 November 2022

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: LADY DOROTHY ANGEST

AGENT: WINCHESTERS LETTING

ADDRESS: 2 THE CHANONRY, ABERDEEN

INFORMATION NOTE

This HMO licence application is on the agenda of the Licensing Committee for the reason that 1 representation/objection e-mail was submitted to the HMO Unit.

If, after consideration of the representation/objection, the Committee is minded to grant the HMO licence, it may do so under delegated powers since at the time of drafting this report, the necessary upgrading works and certification have not been completed. I will advise Members during the Committee if that position has changed.

DESCRIPTION

The premises to which this HMO Licence application relates is a three-storey basement detached house with accommodation comprising of 5 letting bedrooms, 3 public rooms, one kitchen and 3 shower rooms. The applicant wishes to accommodate a maximum of 5 tenants, which is acceptable to the HMO Unit in terms of space and 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 public to the HMO licence application.

REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- One objection letter from Gordon Mutch (Attached as Appendix B)

The objection was received within the statutory time period therefore the Council must consider.

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 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 their registration includes No.2 The Chanonry.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has received one email record of complaint in respect of No.2 The Chanonry:

22 September 2022 - Retrospective e-mail received from a complainer regarding large parties in the garden until 3 and 4 am. Including loud music, sounds of glass breaking and smoking. ASBIT team replied with suitable advice and contact details for reporting noise issues when noise or antisocial behaviour is ongoing.
- All upgrading work required by the HMO Officer, including certification, has not yet been completed.
- The objection mentions the 'Notice of Display'. The Notice of Display should be displayed outside the property for a statutory period of 21 days. The applicants Agent has declared the Notice was displayed outside No.2 The Chanonry, from 30 August 2022 to 17 October 2022. A Private Sector Housing Officer checked on 06 September 2022 at the property inspection and the Notice was on display on a lamp post outside the property.

- The applicant was first granted an HMO licence for No.2 The Chanonry in September 2014 and the application under consideration is a 2nd renewal application.
- There are no other Granted HMO's at The Chanonry.

'A'



Objection to Renewal of HMO licence for 2 The Chanonry, Old Aberdeen, Aberdeen, AB24 1RP.

Reference: HOU5448002649

There is regular disturbance from No2 The Chanonry in terms of noise at antisocial hours, large parties, frequent drunk and disorderly behaviour and drug use — all of which adversely impacts upon family life in an otherwise peaceful residential area.

Waste bins are regularly left on the street for weeks on end on one of Aberdeen's busiest tourist thoroughfares.

Despite attempts by neighbours to curb regular nuisance and antisocial behaviour, there has been no effective remedy demonstrated by the occupants, to the significant detriment of the community.

This licence should not be renewed.

I would also note that the notice of application for an HMO licence has to my knowledge not been displayed on a public lamppost anywhere around the property. It certainly was not displayed today the 20th September 2022.

Yours sincerely,

Gordon Mutch,

[REDACTED]

Old Aberdeen,

Aberdeen

AB24 1RP

[REDACTED]

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LICENSING COMMITTEE INFORMATION SHEET

15 November 2022

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: MARIE DRURY

AGENT: MARGARET DUFFUS LEASING

ADDRESS: 379 LINKS ROAD, ABERDEEN

INFORMATION NOTE

This HMO renewal licence application has received that 1 letter of representation/objection that was submitted late to the HMO Unit.

If, after consideration of the representation/objection, the Committee is minded to grant the HMO licence, it may do so under delegated powers since at the time of drafting this report, the necessary upgrading works have not been completed. I will advise Members during the Committee if that position has changed.

DESCRIPTION

The premises to which this HMO Licence application relates is a second floor flat providing accommodation of 3 letting bedrooms, dining kitchen and bathroom. The applicant wishes to accommodate a maximum of 3 tenants, which is acceptable to the HMO Unit in terms of space and 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 public to the HMO licence application.

REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- One objection letter from Emma Stewart
- Agent – one letter of representation from the Agent, Margaret Duffus Leasing, in response to the objection letter

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 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 their registration includes No.379 Links Road.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints in respect of No.379 Links Road.
- All upgrading work required by the HMO Officer, has not yet been completed.
- The objection mentions parking, members may wish to note that car parking is not a consideration of HMO Licensing as it is not mentioned in the Statutory Guidance, nor is it covered by any of the statutory grounds of refusal mentioned above.
- The applicant was first granted an HMO licence for No.379 Links Road in June 2010 and the application under consideration is a 4th renewal application.
- There are currently 10 HMO-licensed properties in Links Road, ie. Nos.139, 149, 169, 185, 201, 217, 233, 295, 359 & 361.

'A'



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LICENSING COMMITTEE INFORMATION SHEET

15 November 2022

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: AURELIE MERCIER

AGENT: NONE

ADDRESS: 44 KINCORTH PLACE, ABERDEEN

INFORMATION NOTE

This HMO licence application is on the agenda of the Licensing Committee for the reason that 2 letters representation/objection were submitted to the HMO Unit.

If, after consideration of the representation/objection, the Committee is minded to grant the HMO licence, it may do so under delegated powers since at the time of drafting this report, the necessary upgrading works and certification have not been completed. I will advise Members during the Committee if that position has changed.

DESCRIPTION

The premises to which this HMO Licence application relates is an upper flat with accommodation comprising of 4 letting bedrooms, one kitchen/public room and 1 bathroom. The applicant wishes to accommodate a maximum of 4 tenants, which is acceptable to the HMO Unit in terms of space and 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 public to the HMO licence application.

REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- One objection letter from Hazel & Donald Tiffen (Attached as Appendix B)
- One objection letter from Janet Bruce (Attached as Appendix C)
- Applicant – one letter of representation, in response to the objection letters (Attached as Appendix D)

The objections were received within the statutory time period therefore the Council must consider.

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 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 their registration includes No.44 Kincorth Place.
- The letter of objection refers to the involvement of the Council's Anti-Social Behaviour Investigation Team (ASBIT) in respect of No.44 Kincorth Place. ASBIT were contacted and asked for their comments, the response was as follows:

21 October 2022 - A complainer phoned regarding raised voices and footfall at No.44 Kincorth Place. ASBIT team were on route, however cancelled as the tenants at No.44 Kincorth Place left the property.

04 July 2022 - A complainer emailed the ASBIT team regarding noise from No.44 Kincorth Place. The ASBIT team replied with appropriate advice and that the complainer call when excessive noise is ongoing.

16 February 2022 –Tenant at No.44 Kincorth Place raised a complaint to ASBIT about a neighbour banging the floorboards of No.44 Kincorth Place. The ASBIT team replied with appropriate advice and mediation information.

18 November 2021 – A complainer emailed the ASBIT team to report loud voices, gaming noises and banging doors at No.44 Kincorth Place. The ASBIT team replied with appropriate advice and mediation information.

16 June 2021 – A complainer emailed the ASBIT team to report parties and loud voices at No.44 Kincorth Place. ASBIT staff contacted the landlord to discuss the complaint regarding the HMO tenants.

- The letter of objection refers to floorboards within No.44 Kincorth Place. As part of the HMO application process, an Inspecting Officer attended the property on Tuesday 1 November 2022 and produced findings of the flooring within No.44 Kincorth Place. (Attached as Appendix E).
- All upgrading work required by the HMO Officer, including certification, has not yet been completed.
- The applicant was first granted an HMO licence for No.44 Kincorth Place in September 2016 and the application under consideration is a 2nd renewal application.
- There are no other Granted HMO's at Kincorth Place.

'A'



Ref: HOU5458086003



[Redacted]
Kincorth
Aberdeen
AB12 5QJ
17th October 2022

Dear Sir/Madam,

We wish to submit the following issues we have with the licence renewal at number 44 Kincorth Place.

Since August 2020 the flat has been rented as a whole to groups of friends rather than the individual rooms, it was in the beginning.

That August four young boys (late teens early twenties) moved in. Even though it was during lock down they had several parties. Or would come back in the early hours and make a lot of noise. After complaining to them several times and also the police. I submitted a video recording on my phone to the ASBIT team which showed what we were subjected to on a regular basis. A warning was issued to them because of this. Little did we know that this was only the start.

Last year some young men moved in, they appeared to be slightly older. We don't know how many of them actually lived there as they seemed to come and go. They were often up all-night gaming, shouting and swearing. This could go on during day time too. We never got to speak to them as they wouldn't answer the door if they knew it was us. We did complain to the owners but they dismissed our complaint when the tenants said this wasn't true.

Now this year we have four young girls. I contacted the ASBIT team on Monday 3rd Oct after being woken up at 2am on 1st then 3.40am on the 2nd. I did ring the ASBIT team number on the 2nd but was told the phone wasn't being manned that night and to ring 103. I did follow this up by sending an Email to ASBIT and also the HMD unit. We have no issue hearing the girls coming in. It's the continuing to party that's the problem. They are often noisy late at night into the early hours. These instances weren't the first and there have been more since.

We had the ceiling lowered in our bedroom with sound proofing insulation just so we could get a night's sleep earlier in the year. We have recently had the hall and a second bedroom done, with the third being done the beginning of November. This in total has cost us over £2500. This is still not enough. The flooring in number 44 needs to be replaced. The floor boards in the hallway need some attention and either a sound membrane or better-quality underlay and flooring is needed throughout the whole property. (We have recordings of what we can hear from below) We don't think this is too much to ask as it's their tenants that are causing problems- yet we are the ones paying for it.

This has really affected my mental health. I'm sometimes too tired to function and last year I was prescribed antidepressants. Our grandchildren won't stay over night as they are terrified. This was

thanks to the young men shouting and swearing through the night. Even sitting in the garden was uncomfortable this year due to this.

Yours sincerely

[Redacted Signature]

Hazel & David Tiffen

██████████
ABERDEEN
AB12 5QJ

Ref No HOU5458086003

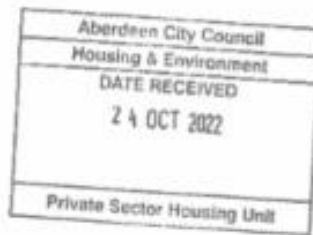
Dear Sir/ Madam,

I write with regard to the property at 44 Kincorth Place, ABERDEEN, AB12 5QJ. This property was granted an HMO licence several years ago and has been a problem since day one. The occupants have absolutely no regard for the other residents in this street who have mostly resided here for several decades. There is constant partying and shouting and swearing through open windows etc and we are all at a total loss as to why this licence was granted in a residential area. They party constantly and cause horrendous noise for the people downstairs. While this couple were on holiday I put their bin round the back of the house. While there I saw the upstairs bins overflowing and empty alcohol bottles strewn over the grass. There was also several plastic bags containing discarded food with a rat happily enjoying lunch. This situation is totally unacceptable and if nothing is done I intend to escalate my complaint to my local councillor who has revoked licences for other HMO properties in this street.

I look forward to a speedy and satisfactory response.

Yours sincerely

██████████
Janet Bruce



Aurélie Mercier

Ref: HOUS458086003

OCTOBER 26, 2022

Jocelyn Janssen

Business Hub 6, Broad Street, Aberdeen, AB10 1AB.

Dear Ms Janssen,

Thank you for forwarding the two letters of objection to the renewal of the HMO licence at 44 Kincoth Place. I do believe it is important that all parties are listened to. I will address the points raised, as well as give an overview of the situation from our perspective.

Letter from [redacted] Kincoth Place:

Firstly, we are under no obligation to let the flat individually by rooms or to a single group. This is dictated by the rental market more than anything else. To date we have done both, yet the downstairs neighbours have not been happy either way.

Regarding the group of students that rented the flat in August 2020, The ASBIT unit got in touch with us following Ms Tiffen's complaint and requested the tenants' contact details. I never saw any evidence of what Ms Tiffen described took place; however, we did make enquiries with the tenants and made it clear to them and their guarantors that any antisocial behaviour would be unacceptable. The tenants had a different version of the events. See attached document. We collaborated fully with the investigation. No letters or warnings due to high levels of noise were issued to us by the council or the police for this or any other event.

Following this, we let the flat to a group of workers instead, four of them to be clear. They worked long hours locally and often into the night. Mr Tiffen got in touch to complain about the level of noise and we investigated this. The tenants explained that sometimes they would finish work close to midnight and had to go home, eat and wash like everybody else. This was communicated to the neighbours. The long hours could also explain why it was difficult to meet them in person.

The council got in touch in November 2021 because the downstairs neighbours complained about noise until 5am. Once again, we investigated and the tenants told us they arrived late from work and were in bed by 2am. They did offer to go and apologise to the neighbours anyway but they also complained about the level of noise coming from downstairs early in the morning: "We also have a complaint, almost every morning at around 6 or 7am they put their TV on full blast and everyone can hear what

they are watching, by the way, they're watching 'Good Morning Britain' ". This is shown in the documents attached to this application.

Amongst the other complaints we received from our tenants about Mr and Ms Tiffen, one stands out. It is clearly coming from a young man who feels targeted by the neighbours and is deeply distressed: "while my girlfriend and I were asleep the neighbours banged my floor board not once or twice but 3 consecutive times really loudly and whether that's because we still had our TV on or not is not the point but the fact that it woke us both up and we struggled to get to sleep after thinking they were gonna do it again". We referred him to the ASBIT unit. You can also see the complaint to us and to the ASBIT unit in the attached documents.

The current tenants are a group of women. This is the first time we hear of any issues with them. Therefore, we ignore if any communication has taken place to solve any issues. One of the tenants has mental disabilities, so perhaps some compassion and clear communication would be more helpful than reporting them to the authorities.

Any alterations Mr and Ms Tiffen wish to make to their property for their own comfort is their choice. The flooring in our property was laid in line with the council requirements for an HMO licence and it was granted as such. The suggestion made by Mr and Ms Tiffen to reinsulate the flooring is not reasonable, they mention that they have insulated their ceiling but are not satisfied with the results obtained. Perhaps they should be addressing this issue with their contractor instead.

Certainly, everybody has the right to peacefully enjoy their home, this is true for Mr and Ms Tiffen and their grandchildren, but also for our tenants; all of which have expressed concerns about the downstairs neighbours. Furthermore, our tenants have even mentioned that Mr and Ms Tiffen have been very rude when describing us to them for no apparent reason, which is unacceptable.

Letter from [REDACTED]

This letter is evidently written in complicity with the neighbours from [REDACTED]. Regrettably, it does not provide any specific information or evidence of events that we could investigate. This neighbour has never approached us to express their concerns and the council has never got in touch about such issues.

The incident mentioned about the rubbish within our private garden happened in August during the bin collection strikes. The council specifically asked residents not to put additional rubbish bags out as they needed to clear the backlog. The tenants put excess rubbish in the back garden and we had a contractor take all of it to the recycling centre straight away and at our own cost. This is by no means a recurrent or long-term issue. It was caused by the strikes and was solved promptly.

To conclude and for the avoidance of doubt we have never received a letter of complaint or warning from the council, or any other agency, regarding noise at 44 Kincoth Place or for any other issue.

Yours faithfully,

Anne Mercier



Aurelie Mercier

Re: Antisocial behaviour 44 Kincorth Place

1 message

Tue, Jun 22, 2021 at 9:32 AM

Hello

Thanks for getting in touch and providing some background on this matter. It is good to listen to both sides of the conflict.

Going forward, the council is due to finalise their investigation and I expect that they will get back to all parties involved with their findings and feedback.

In the meantime, thank you for your support on this.

Aurelie

On Mon, Jun 21, 2021 at 6:06 PM wrote:

Hi Aurelie

In response to the allegations, I wish to voice my opinion on this matter. It would appear that the neighbours (directly downstairs) have been apprehensive of the residents since Day 1 of moving in, complaining that the garden would end up in a mess due to it being four young men staying there. In response to the complaints below -

1. Ever since moving in August 2020 we have had to go to the door several times to ask them to keep the noise down. This falls on deaf ears and the noise just continues until 5-6am in the morning. Every time they have asked, the music has been turned down or switch off and therefore it must be voice noise continuing.
2. Throughout December they would come in between 2-6am waking us up. Unfortunately, complaints are made when they go out and also when they come in, and therefore not a valid point.
3. On 12th Feb they had another party which was so bad I reported it to Police. Yes, the Police arrived and looked around the flat, found only 5 people in there and not the 30 people which had been reported to them. They asked them to turn down the music which they did and the matter appeared resolved. It would appear as far as the boys were concerned the matter had ended as the Police did not return.
4. On 5th March when they decided to climb out of the windows on to the ledge after midnight chanting and swearing. I cannot condone this behaviour and talking to my son they realised how dangerous this was and apologised straight away to the neighbours who accepted an apology. There was youthful banter amongst themselves, however they deny that any "chanting" took place.
5. They game with headsets and you can hear them shouting and swearing through our whole house at all hours. They accept they are gaming however not late into the night and never past 11pm. The walls in the flat must be thin as equally, noise can be heard from downstairs which the boys could have made complaints about too. However, they do not want to upset their neighbours and have tried to appease them on every occasion. (as detailed above). They have spoken to them and been obliging whenever possible by taking in parcels etc for them. Any conversation which has taken place outside the flat has always been positive and friendly.

6. Last night was the last straw with them chanting and swearing until the early hours of this morning. I had to get up for work at 6.30am after being kept awake until 5am. Boys accept they were up late but were not chanting. They were in the kitchen talking, and having seen around the flat the noise in this area will be heard as the floor is laminate.

I appreciate that you are caught in the middle of this and the boys will consider their actions in the future.

Regards

Sent from my iPhone

On 17 Jun 2021, at 19:39, feel@home [REDACTED] wrote:

Hello everyone,

This is to let you know that Aberdeen Council's Antisocial Behaviour unit got in touch with us yesterday to let us know that they have initiated an Antisocial Behaviour investigation against you, the residents of 44 Kincoth Place, following a complaint from your neighbours.

Some of the items listed in the neighbour's complaint are:

1. Ever since moving in August 2020 we have had to go to the door several times to ask them to keep the noise down. This falls on deaf ears and the noise just continues until 5-6am in the morning.
2. Throughout December they would come in between 2-6am waking us up.
3. On 12th Feb they had another party which was so bad I reported it to Police.
4. On 5th March when they decided to climb out of the windows on to the ledge after midnight chanting and swearing.
5. They game with headsets and you can hear them shouting and swearing through our whole house at all hours.
6. Last night was the last straw with them chanting and swearing until the early hours of this morning. I had to get up for work at 6.30am after being kept awake until 5am.

The council might get in touch with you directly to understand your version of the events and establish the facts of this complaint.

Our position based on the information provided by the council is that you are within your rights to come and go from your home at whatever hour of the day or night you wish, however, you must display courtesy to your neighbours and do so quietly. The same goes for day to day living.

Furthermore, I think we can all agree that some of the items above are out of order, namely, the police being called because of a party and climbing out of the windows to chant and swear on the ledge, which is also dangerous.

If there is another complaint of this nature the council will withdraw the HMO licence under which you live; this will result in you having to vacate the property immediately as it will become unlicensed.

Even though the accuracy of some of the items in this complaint is yet to be established by the council, this is extremely disappointing behaviour. I cannot stress enough that this simply cannot happen again and that you must respect your neighbours and be considerate with the level of noise and behaviour at all times.

I trust that this will not happen again.
Aurelie

Re: Neighbours complaint

1 message

To: "feel@home" [REDACTED] Fri, Nov 19, 2021 at 4:26 PM

Thank you for your understanding.

Kind regards [REDACTED]

On Fri, 19 Nov 2021, 13:18 feel@home, [REDACTED] wrote:

Thanks for the feedback. We wanted to understand what the issue was. Thanks also for going down and discussing it with the neighbours, I find that most issues like this can be solved by having a chat.

I agree with you though, coming into your home at 11pm or any other time shouldn't be a problem when it is done quietly.

I will let the council know that we had a chat and that you also have important points to raise.

Regards
Aurelie

On Thu, Nov 18, 2021 at 11:04 PM [REDACTED] wrote:

Sorry, forgot to mention, nobody was up at 5am, I was the last one to go to bed and that was 2am.

Sorry again.

Kind regards [REDACTED]

On Thu, 18 Nov 2021, 21:49 [REDACTED] wrote:

I will go down tomorrow, apologise and give them a gift, but coming home from work at 11pm should not be a problem and also we had no music playing at night. We also have a complaint, almost every morning at around 6 or 7am they put their TV on full blast and everyone can hear what they are watching, by the way, they're watching 'Good Morning Britain' or sometimes you can feel the floor shaking in the morning and we don't know what they are doing. Karol sometimes goes to his girlfriend house to get some sleep due to this.

Sorry about this, we don't like to complain and also we don't want to cause you and the neighbours any problems.

Kind regards [REDACTED]

On Thu, 18 Nov 2021, 17:45 feel@home, [REDACTED] wrote:

Hello everybody

The council got in touch today because the downstairs neighbour contacted them to complain about you arriving home at 11:45pm last night, listening to music, "loud banter" and banging doors until 5am.

So, I wanted to get in touch with you to find out what happened and generally to hear your version of the events.

Thanks in advance
Aurelie

26/10/2022, 22:48

Gmail - Neighbours

Neighbours

1 message

Wed, Feb 16, 2022 at 2:07 PM

Hi Aurelie,

I hope you are doing well. I'm really sorry to be emailing you about this again but I'd like to raise a complaint whether that's to the council or to you. I spend 5 out of 7 days over at my girlfriend's apartment so that I don't have to deal with the neighbours and their banging into my floor board but my girlfriend and I came over last night to spend a night here since I'm paying rent I thought I should spend some time here and while my girlfriend and I were asleep the neighbours banged my floor board not once or twice but 8 consecutive times really loudly and whether that's because we still had our TV on or not is not the point but the fact that it woke us both up and we struggled to get to sleep after thinking they were gonna do it again.

I do not believe we are being loud at all but I still keep my music, TV, gaming and even my own voice level to the absolute minimum but clearly nothing is working and I've been pushed to my last straw after last night. So I'm emailing to find out how I can raise a complaint towards their behaviour and where I can complete that, thank you and I'm sorry to be emailing for a third time about this.

Kind regards,
[REDACTED]



Aurelie Mercier [REDACTED]

Neighbours

1 message

Wed, Feb 16, 2022 at 8:03 PM

[REDACTED]

Good evening,

I have been directed to you by my landlord as I have a complaint I'd like to raise towards my neighbours, I live at 44th kinorath place along with my 3 friends and the complaint I'd like to raise is that my neighbours constantly bang my floor boards which has caused distress to my and my girlfriend who stays some night with me, but recently I have been forced to spend at least 5 out 7 days at my girlfriends due to the fact that I don't want to have to deal with my neighbours banging my floor every night that I'm spending.

Now I understand maybe sometimes my television could be loud and out of courtesy I have turned my volume down to a minimum, this includes the volume at which I speak and any music I have on but this does not matter anymore as I get bangs to my floorboard if any noise reaches a volume at which they are not happy with. These hits to the floor board can be heard by all my colleagues and even wakes them up sometimes.

Because of this I avoid sleeping in the apartment at which I pay rent so that I can avoid any trouble from them but last night I have reached my limit as I was fast asleep with my girlfriend and we both woke up from 8 very loud consecutive hits to the floor board now whether this is due to my television still being on is irrelevant as there's no need for waking us and making it hard for us to sleep after being afraid in case we hear it again. We are both aggravated from this.

This is not the first time as we have had many hits to the floor board and even a complaint coming from them as one of my colleagues came home from work at around 11, this complaint has no grounds and they're just looking for reasons to complain, and I have also received hits from the floor for pathetic reason like going to the bathroom.

This is not the first complaint I have made in fact I had several chances to complain but decided that I may have been in the wrong, although recently I now know that I wasn't and that they are looking for any reasons possible to hit the floor board.



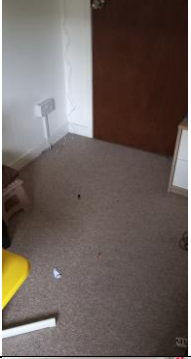


I hope that in some way you can help me with this situation, thank you and hope to be hearing from you.





Kind regards,
[REDACTED]

Address - 44 Kincorth Place, Aberdeen, AB12 5QJ

Application – HOUS45806003

Property – Upper flat, 4 Bedrooms, Bathroom, Lounge/kitchen.

Location	Situation at visit	
Bedroom 1	Normal quality carpeting. No evidence of creaking of floorboards when moving about room at time of visit.	
Bedroom 2	Normal quality carpeting. No evidence of creaking of floorboards when moving about room at time of visit.	
Bedroom 3	Normal quality carpeting. No evidence of creaking of floorboards when moving about room at time of visit.	
Bedroom 4	Normal quality carpeting. No evidence of creaking of floorboards when moving about room at time of visit.	
Hallway	Normal quality carpeting. Some evidence of creaking floorboards at entrance to lounge/kitchen as seen at top of photograph.	

<p>Bathroom</p>	<p>Linoleum floor covering – no evidence of creaking floorboards at time of visit.</p>	
<p>Lounge/Kitchen</p>	<p>Linoleum Flooring. No evidence of floorboard creaking.</p> <p>Suspect may be above lounge for downstairs property and may historically have been converted to lounge /kitchen to provide fourth bedroom? Possibility of some structure borne footfall but nothing more than what would be reasonably expected in a flatted property.</p>	
<p>Back Garden</p>	<p>No evidence of overflowing bins, area appeared well kept at time of visit.</p>	
<p>Side Garden</p>	<p>Area appeared well kept at time of visit.</p>	

LICENSING COMMITTEE INFORMATION SHEET 15 NOVEMBER 2022

Exemption from Policy – Street Knowledge Test
Applicant: - Kenneth Watson

INFORMATION NOTE

Mr Watson is seeking an exemption from the Committee Policy that states that an applicant for a Taxi Driver or Private Hire Car Driver licence must pass the street knowledge test.

The test aims to ensure that all taxi and private hire drivers have a knowledge of the city including the layout of its roads and the location of landmarks.

It should be noted that Mr Watson previously held a Taxi Driver licence from 01/04/2006 to 28/02/2021.

Our records indicate that Mr Watson applied to sit the street knowledge test on two occasions during this year (2022) however Mr Watson did not attend one and cancelled the other at the last minute.

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

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

COMMITTEE GUIDELINES/POLICY

Licensing Committee policy states that all applicants for a Taxi or Private Hire Car Driver licence must pass the street knowledge test prior to applying for the licence.

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Good morning,

Regarding the knowledge test I would like to appeal against it on the grounds I have been a taxi driver for 40 years and that for the last two / three years I have been dealing with my autistic son; also caring for my brother who passed away with Parkinson's in 2021. Subsequently I was in charge of my brothers estate and arranging the sale of his house. With tidying up my brothers paperwork I must have destroyed my own paperwork and not realised my taxi license had expired.

I hope you will consider my appeal on the grounds above, please let me know if you require any further information.

Many thanks,
Kenneth Watson

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LICENSING COMMITTEE INFORMATION SHEET

15 NOVEMBER 2022

Exemption from Policy – Age of Vehicle

Applicant: - Alan & Valerie Mitchell

Vehicle: - SF12 OGH

INFORMATION NOTE

Alan and Valerie Mitchell are seeking an exemption from the Committee Policy that states that any vehicle being licensed as part of a Grant of Licence, Temporary Licence or Substitution application must be 5 years old or less on the day the application is submitted.

The Policy is in place to ensure that the taxi fleet contains a high standard of vehicle in terms of appearance and mechanical performance

The Committee has before it an email from Alan and Valerie Mitchell indicating the grounds under which they are seeking the exemption.

It should be noted that the vehicle is now 10 years, 3 months old. The vehicle is a WAV and needs to be less than 10 years old. Alan and Valerie Mitchell currently have vehicle with registration number NK08 GHZ licensed under Taxi Licence T084.

Should the Committee be minded to grant the exemption Valerie and Alan Mitchell are aware that they will be required to submit a Taxi Vehicle Licence Substitution Application.

COMMITTEE GUIDELINES/POLICY

Licensing Committee policy states that any Grant, Temporary or Substitution application for a Private Hire Car Licence must relate to a vehicle that is 5 years old or less on the date of application.

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Good Morning

I am writing to you to request and exemption from the age of vehicle policy.

We currently own a 2008 VW Sharan (wheelchair accessible) which is becoming increasingly expensive to repair due to its age. We purchased a Peugeot Partner, Registration Number SF12 OGH, from my brother who has upgraded to a ULEZ compliant vehicle.

We were hoping to use the Peugeot Partner for a year or so to allow us to save to purchase a ULEZ compliant vehicle. Unfortunately, we did not realise that wheelchair accessible vehicles had to be 10 years old or less. The Peugeot was first registered in July 2012 thus making it 10 years and 3 months old to date.

Unfortunately, if the VW Sharan does not pass its next Hackney Test and the request for exemption is not approved, we will be unable to purchase a ULEZ compliant vehicle, so will be unable to continue in the Taxi profession.

I therefore ask you to kindly consider our request for an exemption from the age of vehicle policy.

Kind regards

Valerie and Alan Mitchell

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LICENSING COMMITTEE INFORMATION SHEET

15 NOVEMBER 2022

Taxi Operator Licence Renewal – A063
Licence Holder: - Jane & Gary Mair (A Partnership)
Vehicle: - SV17 VAK

INFORMATION NOTE

Renewal submitted 26/09/2022
Determination date 25/09/2023
Application for renewal of taxi operator licence. The application does not comply with the Committee's Policy which states that the licence holder must be the owner of the vehicle. The named keeper on the vehicle V5 registration document and insurance certificate is different from that of the licence holder. The application was submitted and paid for by the licence holder.

CONSULTEES

- Police Scotland

COMMITTEE GUIDELINES/POLICY

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.

Any change of insurer, or insurance cover, must be intimated forthwith to the licensing authority.

GROUNDINGS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

and otherwise shall grant the application.

For the Attention of all in the licensing committee.

I am writing to you regarding Airport plate No 063, which was granted a temporary license until review in front of a full committee on 15th November, regarding the name on the V5 and insurance document.

The plate is in a partnership agreement with my mother, Jane Mair, and myself, Gary Mair.

We have had the plate managed by Paul Wood for almost 18 years now.

Paul has always owned and insured his own saloon car. There has been no requirement or need for anyone else to be named on the V5 or insurance as no one else drives the vehicle.

Paul has worked as an airport taxi driver for over 16 years now. His plan is to retire in the next few years and to keep his existing saloon car until this time.

We have always worked within the guidelines the council have set, however we are very disappointed to hear that the council are considering changing the criteria which may force Paul and many other drivers off the road.

It seems very unfair and possibly unlawful to take this plate away and force Paul to buy a new vehicle. In his case this would have to be a WAV as I'm sure you are aware, unfortunately you cannot have a private hire vehicle working at the airport.

This chain of events would likely put Paul out of a job, as due to previous health issues he would not be fit and able to use a WAV.

At a time when the general public are complaining about the lack of taxi drivers, we were again in the local press on 26th October. There is no logic behind the council considering taking license's away from drivers willing to work. Aberdeen is an international Airport and is severely lacking in essential public transport services.

We would appreciate you taking into account the points raised above and reconsider taking away this license.

I will be attending the meeting on the 15th November along with Paul Wood to answer any questions the committee may have.

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LICENSING COMMITTEE INFORMATION SHEET

15 November 2022

TYPE OF APPLICATION: TAXI VEHICLE LICENCE - RENEWAL

APPLICANT: PAUL REYNOLDS – SF60 AZP

INFORMATION NOTE

Application submitted 29/11/2021
 Must be determined by 28/11/2022

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

Mr Reynolds emailed on 25/03/2022 to advise that his car had a complete engine failure and that he was renting a car and working through Rainbow Taxis.

The Enforcement Officer advised on 25/03/2022 that in respect of his renewal application the vehicle would require to pass a hackney, or another vehicle be substituted on the licence.

DESCRIPTION

Renewal of Taxi Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

COMMITTEE GUIDELINES/POLICY

All licensed vehicles must have an in date hackney pass certificate or they cannot operate

GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

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

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET
15 NOVEMBER 2022

Exemption from Policy – Street knowledge Test
Applicant: - Dilshad Wasta Aziz

INFORMATION NOTE

Mr Aziz is seeking an exemption from the Committee Policy that states that an applicant for a Taxi Driver or Private Hire Car Driver licence must pass the street knowledge test.

The test aims to ensure that all taxi and private hire drivers have a knowledge of the city including the layout of its roads and the location of landmarks.

It should be noted that Mr Aziz previously held a Taxi Driver Licence from 25/08/2014 to 31/07/2021 and a Private Hire Vehicle Licence from 10/04/2015 to 31/03/2017. The Committee has before it an email from Mr Aziz indicating the grounds under which he is seeking the exemption.

Mr Aziz advised that he did not receive a reminder letter to renew his licence in 2021 however this cannot be confirmed. The expiry date is printed on the licence issued and there is no requirement to issue a reminder letter. The licence holder has the responsibility to renew the licence prior to the expiry date.

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

COMMITTEE GUIDELINES/POLICY

Licensing Committee policy states that all applicants for a Taxi or Private Hire Car Driver licence must pass the street knowledge test prior to applying for the licence.

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