

Public Document Pack



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 17 January 2023

LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in **Council Chamber - Town House** on **WEDNESDAY, 25 JANUARY 2023 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>

JENNI LAWSON
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. Minute of Previous Meeting of 15 November 2022. for Approval (Pages 5 - 12)
- 5.2. Committee Business Planner (Pages 13 - 14)

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

- 7.2. New Licence for a House in Multiple Occupation - 125 Garthdee Drive
(Pages 19 - 22)
- 7.3. Renewal of a Licence for a House in Multiple Occupation - 61 Leslie Road
(Pages 23 - 26)
- 7.4. Renewal of a Licence for a House in Multiple Occupation - Flat F, 28
Sunnybank Road (Pages 27 - 28)
- 7.5. Renewal of a Licence for a House in Multiple Occupation - 108 Bannermill
Place (Pages 29 - 38)
- 7.6. Renewal of a Licence for a House in Multiple Occupation - 74 Ashgrove
Road (Pages 39 - 44)
- 7.7. Renewal of Taxi Operator Licence - Brian Sinclair (MV68 NHX) (Pages 45 - 46)
- 7.8. Renewal of Taxi Operator Licence - Charles Smith (SV19 ORC) (Pages 47 - 48)
- 7.9. Renewal of Taxi Operator Licence - Derek Clark (MA17 NXB) (Pages 49 - 50)

- 7.10. Renewal of Taxi Operator Licence - George Dow (SV19 ORF) (Pages 51 - 52)
- 7.11. Renewal of Taxi Operator Licence - Graham Elrick (SF67 XCU) (Pages 53 - 54)
- 7.12. Renewal of Taxi Operator Licence - Graeme Hansley (MJ67 OEB) (Pages 55 - 56)
- 7.13. Renewal of Taxi Operator Licence - Gerrard Kennedy (ML70 LVJ) (Pages 57 - 58)
- 7.14. Renewal of Taxi Operator Licence - George Penny (SF67 XCT) (Pages 59 - 60)
- 7.15. Renewal of Taxi Operator Licence - James Andrew (SV19 ORA) (Pages 61 - 62)
- 7.16. Renewal of Taxi Operator Licence - John Noble (MJ67 OEC) (Pages 63 - 64)
- 7.17. Renewal of Taxi Operator Licence - John Reid (MF17 OKN) (Pages 65 - 66)
- 7.18. Renewal of Taxi Operator Licence - Kenneth Murray (SF67 XCR) (Pages 67 - 68)
- 7.19. Renewal of Taxi Operator Licence - Harry Mark (SV19 ORG) (Pages 69 - 70)
- 7.20. Renewal of Taxi Operator Licence - Margaret Petrie (ML67 MYY) (Pages 71 - 72)
- 7.21. Renewal of Taxi Operator Licence - Ronald Campbell (MV68 NHY) (Pages 73 - 74)
- 7.22. Renewal of Taxi Operator Licence - William McIntosh (SF65 BUU) (Pages 75 - 76)
- 7.23. Renewal of Taxi Operator Licence - Yvonne Fallon (MW18 YFF) (Pages 77 - 78)
- 7.24. Renewal of Taxi Operator Licence - James Forbes (MF18 EAO) (Pages 79 - 80)

- 7.25. Request for Exemption from Wheelchair Accessible Vehicle Policy - Marc Anderson (Pages 81 - 82)

COMMITTEE REPORTS

- 8.1. No items 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.

- 9.1. Renewal of a Landlord Registration (Pages 85 - 88)
- 9.2. Grant of a Taxi Driver Licence (Pages 89 - 92)
- 9.3. Request for Exemption from Wheelchair Accessible Vehicle Policy (Pages 93 - 96)
- 9.4. Request for Exemption from Wheelchair Accessible Vehicle Policy (Pages 97 - 100)
- 9.5. Request for Suspension of a Taxi Driver Licence (Paragraph 11) (Pages 101 - 102)
- 9.6. Renewal of a Taxi Driver Licence (Pages 103 - 104)
- 9.7. Grant of a Taxi Operator Licence (Pages 105 - 140)

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

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

Website Address: aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Mark Masson, tel 01224 067556 or email mmasson@aberdeencity.gov.uk

LICENSING COMMITTEE

ABERDEEN, 15 November 2022. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Al-Samarai, Convener; Councillor Delaney, Vice-Convener; and Councillors Boulton, Clark, Crockett, Fairfull, Farquhar, Graham, Henrickson, MacGregor, McLeod, McRae (as substitute for Councillor van Sweeden) and Tissera.

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 was intimated:-

The Vice Convener advised that he had a connection in relation to agenda item 8.1 (New Licence for a House of Multiple Occupation - 45 Huxterstone Drive) by virtue of him being a former Chair of the Scottish Federation of Housing Associations and as the Council's representative on Aberdeen Care and Repair, however having applied the objective test, he did not consider that he had an interest and would not be withdrawing from the meeting.

MINUTES OF PREVIOUS MEETINGS OF 6 SEPTEMBER AND 4 NOVEMBER 2022

2. The Committee had before it minutes of its previous meetings of 6 September and 4 November 2022, for approval.

The Committee resolved:-

to approve both minutes.

MINUTE OF MEETING OF THE TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP OF 12 OCTOBER 2022

3. The Committee had before it the minute of meeting of the Taxi and Private Hire Consultation Group of 12 October 2022.

The Committee resolved:-

- (i) to note that a demonstration of the of the 'Safe Cab' App would be arranged for the next meeting of the Consultation Group; and
- (ii) to otherwise note the minute.

LICENSING COMMITTEE

15 November 2022

COMMITTEE BUSINESS PLANNER

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

The Committee resolved:-

- (i) to note the reason for the reporting delay in relation to item 4 (Taxi Fleet Composition) and that a report would likely be submitted to the meeting in March 2023; and
- (ii) to otherwise note the content of the planner.

NEW LICENCE FOR A HOUSE OF MULTIPLE OCCUPATION - 45 HUXTERSTONE DRIVE

5. The Committee had before it a report by the Private Sector Housing Manager, which advised that the application was before the Committee for the reason that one letter of objection and one letter of representation from the applicant 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, Isla Gray, Castlehill Housing Trust was in attendance and spoke in support of the application.

The respondent was not in attendance, nor represented.

The Committee resolved:-

to grant the licence.

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 2 THE CHANONRY

6. The Committee had before it a report by the Private Sector Housing Manager, which advised that the application was before the Committee for the reason that one letter of objection had been submitted; and that the necessary upgrading work and certification had not been completed.

As a preliminary matter, Mrs Jocelyn Janssen, Private Sector Housing Manager advised that the HMO Unit had received a late letter of objection, therefore the Committee required to consider whether it be accepted into the proceedings.

The respondent of the late letter was not in attendance.

LICENSING COMMITTEE

15 November 2022

The Committee resolved:-

not to accept the late letter into proceedings.

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 other respondent, Mr Gordon Mutch was in attendance, and spoke in support of his letter of objection and responded to questions from members.

Both parties summed up.

The Convener, seconded by Councillor McRae moved:-

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

The Vice Convener, seconded by Councillor Crockett, moved as an amendment:-

that the Committee defer consideration of the application until the works were completed, after which time the Private Sector Housing Manager could grant the licence under delegated powers if appropriate for a period of one year.

On a division, there voted:- for the motion (4) – the Convener and Councillors Clark, Graham and McRae; for the amendment (9) – the Vice Convener and Councillors Boulton, Crockett, Fairfull, Farquhar, Henrickson, MacGregor, McLeod and Tissera.

The Committee resolved:-

- (i) to adopt the amendment; and
- (ii) that the Private Sector Housing Manager contact colleagues in the Anti-Social Behaviour Team requesting that they provide details to the Private Sector Housing Team of instances of anti-social behaviour within HMO licensed properties.

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 379 LINKS ROAD

7. The Committee had before it a report by the Private Sector Housing Manager, which advised that the application was before the Committee for the reason that one letter of objection had been submitted; and that the necessary upgrading work and certification had not been completed.

As a preliminary matter, Mrs Jocelyn Janssen, Private Sector Housing Manager advised that the HMO Unit had received a late letter of objection, therefore the Committee required to consider whether it be accepted into the proceedings.

The respondent of the late letter was not in attendance.

LICENSING COMMITTEE

15 November 2022

The Committee resolved:-

not to accept the late letter into proceedings.

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

The other respondent, was not in attendance, nor represented.

The Committee resolved:-

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

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 44 KINCORTH PLACE

8. 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 objection had been submitted; and that the necessary upgrading work and certification had not been completed.

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

Both respondents, Mrs Hazel Tiffen and Mrs Janet Bruce were in attendance, and spoke in support of their letters of objection and responded to questions from members.

All parties summed up.

The Committee resolved:-

to refuse the licence on the grounds that:-

- the applicant and/or agent was not considered to be a 'fit and proper' person to hold an HMO licence; and
- the property was unsuitable for occupation as an HMO for the following reasons:-
 - (1) the type and number of persons likely to occupy it; and
 - (2) the possibility of undue public nuisance.

REQUEST FOR EXEMPTION FROM POLICY - STREET KNOWLEDGE TEST - KENNETH WATSON

9. The Committee were advised that the request for exemption had been withdrawn.

LICENSING COMMITTEE

15 November 2022

REQUEST FOR EXEMPTION FROM POLICY - AGE OF VEHICLE - ALAN AND VALERIE MITCHELL

10. The Committee had before it an information sheet prepared by the Interim Chief Officer – Governance, which advised that the applicant was seeking an exemption to the current Committee Policy which stated 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 applicant, Mrs Valerie Mitchell was in attendance and spoke in support of her request and responded to questions from members of the Committee.

The Committee resolved:-

- (i) to approve the request for exemption from the Age of Vehicle Policy; and
- (ii) to instruct the Interim Chief Officer - Governance to undertake a review of the Age of Vehicle Policy, noting that a report would be submitted to the Committee in early 2023.

RENEWAL OF A TAXI OPERATOR LICENCE - JANE AND GARY MAIR (A PARTNERSHIP) - SV17 VAK

11. The Committee were advised that the application had been deferred to the next meeting of the Committee.

RENEWAL OF A TAXI OPERATOR LICENCE - PAUL REYNOLDS - SF60 AZP

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

REQUEST FOR EXEMPTION FROM POLICY - STREET KNOWLEDGE TEST - DILSHAD WASTA AZIZ

13. The Committee had before it an information sheet prepared by the Interim Chief Officer – Governance, which advised that the applicant was seeking an exemption from the Committee Policy that stated that an applicant for a Taxi Driver or Private Hire Car Driver licence must pass the street knowledge test.

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

Councillor Boulton, seconded by Councillor McRae, moved:-

that the Committee approve the request for exemption from the Street Knowledge Test Policy.

Councillor MacGregor, seconded by Councillor Fairfull, moved as an amendment:-

LICENSING COMMITTEE

15 November 2022

that the Committee refuse the request for exemption from the Street Knowledge Test Policy.

On a division, there voted:- for the motion (10) – the Convener, the Vice Convener and Councillors Boulton, Crockett, Farquhar, Graham, Henrickson, McLeod, McRae and Tissera; for the amendment (3) – Councillors Clark, Fairfull and MacGregor.

The Committee resolved:-

to adopt the motion.

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.

GRANT OF A SECOND HAND DEALER'S LICENCE (AGENDA ITEM 10.1)

14. The Committee had before it (1) an information sheet prepared by the Interim Chief Officer – Governance, which advised that the application required to be determined by 6 September 2023; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 14 October 2022.

Sergeant Neil Grant was in attendance and spoke in support of Police Scotland's letter.

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

Both parties summed up.

The Committee resolved:-

to refuse the licence on the grounds that the applicant was not a fit and proper person to hold the licence.

RENEWAL OF A TAXI DRIVER LICENCE (AGENDA ITEM 10.2)

15. The Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance which advised that the application required to be considered by 6 September 2023; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 13 October 2022.

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

LICENSING COMMITTEE

15 November 2022

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

Both parties summed up.

The Committee resolved:-

to approve the licence.

**REQUEST FOR THE SUSPENSION OF A TAXI DRIVER LICENCE (PARAGRAPH 11)
(AGENDA ITEM 10.3)**

16. The Committee had before it (1) an information sheet prepared by the Interim Chief Officer – Governance, which advised that a request had been received under Paragraph 11, Schedule 1 of the Civic Government (Scotland) Act 1982 for the suspension or revocation of a Taxi Driver's licence; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division dated 26 September 2022.

Sergeant Neil Grant, spoke in support of Police Scotland's letter and responded to questions from members.

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

Both parties summed up.

The Committee resolved:-

to take no action.

**REQUEST FOR THE SUSPENSION OF A TAXI DRIVER LICENCE (PARAGRAPH 11)
(AGENDA ITEM 10.4)**

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

Sergeant Neil Grant, spoke in support of Police Scotland's letter and responded to questions from members.

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

Both parties summed up.

LICENSING COMMITTEE

15 November 2022

The Convener, seconded by the Vice Convener, moved:-
that the Committee suspend the licence holder for the unexpired period of his licence.

Councillor MacGregor moved as an amendment that the Committee take no action, however as he had no seconder, in terms of Standing Order 29.12, the amendment fell.

The Committee resolved:-

to suspend the licence holder for the unexpired period of his licence (until 30 April 2023).

REQUEST FOR EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 10.5)

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

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

The Committee resolved:-

to approve the request for exemption from the Wheelchair Accessible Vehicle Policy.

WRITTEN SUBMISSION RELATING TO ITEM 8.7 (AGENDA ITEM 10.6)

19. The Committee noted that the application had been deferred (Article 11 refers).
- **COUNCILLOR GILL AL-SAMARAI, Convener**

	A	B	C	D	E	F	G	H	I
1	LICENSING COMMITTEE BUSINESS PLANNER								
	The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting.								
2	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference Number	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
3			25 January 2023						
4	No reports this cycle								
5			15 March 2023						
6	Review of Age of Vehicle Policy	the Committee on 15/11/22 agreed to instruct the Interim Chief Officer - Governance to undertake a review of the Age of Vehicle Policy, noting that a report would be submitted to the Committee in early 2023		Sandy Munro	Governance	Commissioning	17.3		
7	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		
8	Taxi Fleet Composition	To cancel the backstop date by which all taxis were required to be Wheelchair Accessible Vehicles (WAVs) and to provide an update on the options for implementation of a mixed taxi fleet.		Sandy Munro	Governance	Commissioning	17.3		
9			3 May 2023						
10	No reports this cycle								
11			28 June 2023						

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference Number	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
12	No reports this cycle								
13			6 September 2023						
14	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	#####		
15			8 November 2023						
16	Annual Committee Effectiveness Report	To present the Annual Committee Effectiveness Report		Mark Masson	Governance	Commissioning	GD 8.5		
17	Taxi Demand Survey (including Review of Taxi Ranks)	The Committee on 6/9/22 agreed to defer the Taxi Demand survey for a period of 12 months. The survey will be instructed within that period and the results reported to committee on 8 November.		Sandy Munro	Governance	Commissioning	17.3		
18			2024/TBC						
19	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		

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)	Farhana Begum + Mohammad Chowdhury	125 Garthdee Drive, Aberdeen	HMO Unit	07 February 2023	19 - 22
HMO Application (Renewal)	Michael McFadyen + Winchesters Lettings	61 Leslie Road, Aberdeen	HMO Unit	08 February 2023	23 - 26
HMO Application (Renewal)	Gilcomstoun Properties Limited + Ching Wai Cheng	Flat F, 28 Sunnybank Road, Aberdeen	HMO Unit	16 February 2023	27 - 28
HMO Application (Renewal)	Brian Johnston + Winchesters Lettings	108 Bannermill Place, Aberdeen	1 Objection	20 September 2023	29 - 38
HMO Application (Renewal)	Oakla Developments Ltd + Aberdeen Property Leasing	74 Ashgrove Road, Aberdeen	2 Objections	10 October 2023	39 - 44
Renewal of Taxi Operator Licence	Brain Sinclair	MV68 NHX	Legal	26 June 2023	45 - 46
Renewal of Taxi Operator Licence	Charles Smith	SV19 ORC	Legal	27 July 2023	47 - 48

Application	Name of Applicant & Agent	Premises of which application refers	Representations received	Date by which application to be determined (date order)	Page Number
Renewal of Taxi Operator Licence	Derek Clark	MA17 NXB	Legal	26 June 2023	49 - 50
Renewal of Taxi Operator Licence	George Dow	SV19 ORF	Legal	27 April 2023	51 - 52
Renewal of Taxi Operator Licence	Graham Elrick	SF67 XCU	Legal	27 July 2023	53 - 54
Renewal of Taxi Operator Licence	Graeme Hansley	MJ67 OEB	Legal	27 July 2023	55 - 56
Renewal of Taxi Operator Licence	Gerrard Kennedy	ML70 LVJ	Legal	27 July 2023	57 - 58
Renewal of Taxi Operator Licence	George Penny	SF67 XCT	Legal	28 April 2023	59 - 60
Renewal of Taxi Operator Licence	James Andrew	SV19 ORA	Legal	27 July 2023	61 - 62
Renewal of Taxi Operator Licence	John Noble	MJ67 OEC	Legal	27 July 2023	63 - 64
Renewal of Taxi Operator Licence	John Reid	MF17 OKN	Legal	27 April 2023	65 - 66
Renewal of Taxi Operator Licence	Kenneth Murray	SF67 XCR	Legal	26 May 2023	67 - 68
Renewal of Taxi Operator Licence	Harry Mark	SV19 ORG	Legal	26 May 2023	69 - 70
Renewal of Taxi Operator Licence	Margaret Petrie	ML67 MYY	Legal	27 April 2023	71 - 72

Application	Name of Applicant & Agent	Premises of which application refers	Representations received	Date by which application to be determined (date order)	Page Number
Renewal of Taxi Operator Licence	Ronald Campbell	MV68 NHY	Legal	28 June 2023	73 - 74
Renewal of Taxi Operator Licence	William McIntosh	SF65 BUU	Legal	21 July 2023	75 - 76
Renewal of Taxi Operator Licence	Yvonne Fallon	MW18 YFF	Legal	27 July 2023	77 - 78
Renewal of Taxi Operator Licence	James Forbes	MF18 EAO	Legal	27 July 2023	79 - 80
Request for Exemption from Policy – WAV	Marc Anderson	N/A	Legal	N/A	81 - 82

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LICENSING COMMITTEE INFORMATION SHEET

25 January 2023

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (NEW)

APPLICANT: FARHANA BEGUM

ADDRESS: 125 GARTHDEE DRIVE, ABERDEEN

AGENT: MOHAMMAD CHOWDHURY

INFORMATION NOTE

At the date of drafting this Information Note, a new HMO licence cannot be granted for the reason that the work & certification requirements to bring the property up to the current HMO standard has not been completed. The meeting of the Licensing Committee on 25 January 2023, is the last meeting before the one-year statutory deadline for determining this HMO licence application therefore if the property is still unsuitable for occupation as an HMO by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 25 January 2023. I will advise the Committee whether the applicant has satisfactorily completed the necessary work & certification requirements.

DESCRIPTION

The property at No.125 Garthdee Drive, Aberdeen, is a top floor flat on two floors, providing accommodation of 3 letting bedrooms, kitchen, lounge and bathroom. The applicant has requested an occupancy of 4 tenants, which is acceptable in terms of space and layout.

CONSULTEES

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

OBJECTIONS/REPRESENTATIONS

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

COMMITTEE GUIDELINES/POLICY

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

GROUNDINGS FOR REFUSAL

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

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

OTHER CONSIDERATIONS

- The applicant is registered as a landlord with this Council and his registration includes No.125 Garthdee Drive.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.125 Garthdee Drive.
- The extent of the above-mentioned work & certification requirements is as follows:
 - 1) A Carbon Monoxide Detector (operated by a long life sealed battery) must be installed within any room where a gas appliance or a flue from such an appliance is located and must be installed in accordance with the manufactures instructions. In this regard the Carbon Monoxide detector in the kitchen has passed its expiry date and should therefore be replaced.
 - 2) All portable heaters must be permanently removed from the premises. In this regard the portable heaters in the upstairs cupboard should be removed.
 - 3) All self-closing doors must be capable of closing fully against their stops from all angles of swing and latch off when closed. In this regard the door closers for the following rooms should be reinstated:

- a. Bedroom 1
 - b. Bedroom 2
 - c. Bedroom 3
 - d. Lounge.
- 4) The following documentation to be submitted for inspection:
- Notice of HMO Application – Certificate of Compliance
 - Gas Safe certificate
 - Itemised Portable Appliance Testing (PAT) Certificates, for all electrical appliances provided by the owner (annually).
 - Copy of Private Residential Tenancy (PRT) Agreement

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LICENSING COMMITTEE INFORMATION SHEET

25 January 2023

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: MICHAEL MCFADYEN

ADDRESS: 61 LESLIE ROAD, ABERDEEN

AGENT: WINCHESTERS LETTINGS

INFORMATION NOTE

At the date of drafting this Information Note, a new HMO licence cannot be granted for the reason that the work & certification requirements to bring the property up to the current HMO standard has not been completed. The meeting of the Licensing Committee on 25 January 2023, is the last meeting before the one-year statutory deadline for determining this HMO licence application therefore if the property is still unsuitable for occupation as an HMO by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 25 January 2023. I will advise the Committee whether the applicant has satisfactorily completed the necessary work & certification requirements.

DESCRIPTION

The property at No.61 Leslie Road, Aberdeen, is a 1st floor flatted property, providing accommodation of 3 letting bedrooms, lounge, kitchen, drying-room, bathroom & loft area. The applicant has requested an occupancy of 3 tenants, which is acceptable in terms of space and layout.

CONSULTEES

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

OBJECTIONS/REPRESENTATIONS

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

COMMITTEE GUIDELINES/POLICY

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

GROUNDS FOR REFUSAL

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

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

OTHER CONSIDERATIONS

- The applicant is registered as a landlord with this Council and his registration includes No.61 Leslie Road.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.61 Leslie Road.
- The extent of the above-mentioned work & certification requirements is as follows:
 - 1) All faulty/missing light bulbs must be immediately replaced. In this regards the downlights located in the ground floor drying room are required to be securely re-fixed to the ceiling and appropriate bulbs installed.
 - 2) The bedroom 3 light switch is required to be securely re-fixed to the wall.
 - 3) A Carbon Monoxide Detector (operated by a long life sealed battery) must be installed within any room where a gas appliance or a flue from such an appliance is located and must be installed in accordance with the manufactures instructions. In this regard a carbon monoxide detector is to be installed to the rear stair area and the carbon monoxide detector located in the kitchen area is to be securely re-fixed to the wall.

- 4) All portable heaters must be permanently removed from the premises.
- 5) A window in each room must be capable of being easily opened for ventilation. In this regards the sash and case windows throughout the property are required to be eased/adjusted to operate correctly as discussed on site.
- 6) The failed double-glazed units (x2) located in bedroom 2 are required to be renewed.
- 7) There is evidence of mould growth at the rear door; this should be treated with an anti-fungicidal wash as per manufactures instructions. The affected areas should then be coated with an anti-fungicidal paint and then decorated accordingly.
- 8) Remove the existing sealant around the top of the bath and re-seal the bath.
- 9) The following documentation to be submitted for inspection:
 - Notice of HMO Application – Certificate of Compliance
 - Gas Safe certificate
 - Electrical Installation Condition Report, which meets the requirements of BS 7671
 - Itemised Portable Appliance Testing (PAT) Certificates, for all electrical appliances provided by the owner (annually).
 - Copy of Private Residential Tenancy (PRT) Agreement

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LICENSING COMMITTEE INFORMATION SHEET

25 January 2023

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: GILCOMSTOUN PROPERTIES LIMITED

ADDRESS: FLAT F, 28 SUNNYBANK ROAD, ABERDEEN

AGENT: CHING WAI CHENG

INFORMATION NOTE

At the date of drafting this Information Note, a new HMO licence cannot be granted for the reason that the work & certification requirements to bring the property up to the current HMO standard has not been completed. The meeting of the Licensing Committee on 25 January 2023, is the last meeting before the one-year statutory deadline for determining this HMO licence application therefore if the property is still unsuitable for occupation as an HMO by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 25 January 2023. I will advise the Committee whether the applicant has satisfactorily completed the necessary work & certification requirements.

DESCRIPTION

The property at No.28F Sunnybank Road, Aberdeen, is a 2nd floor flatted property, providing accommodation of 3 letting bedrooms, dining kitchen, & bathroom. The applicant has requested an occupancy of 3 tenants, which is acceptable in terms of space and layout.

CONSULTEES

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

OBJECTIONS/REPRESENTATIONS

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

COMMITTEE GUIDELINES/POLICY

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

GROUNDS FOR REFUSAL

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

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

OTHER CONSIDERATIONS

- The applicant is registered as a landlord with this Council and his registration includes No. 28F Sunnybank Road.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No. 28F Sunnybank Road.
- The extent of the above-mentioned work & certification requirements is as follows:
 - 1) A window in each room must be capable of being easily opened for ventilation. In this regard the failed double-glazed unit located in bedroom 2 is required to be replaced.
 - 2) The situation with the internet cable across the kitchen floor is to be addressed as discussed on site.
 - 3) Remove the existing bath sealant and re-seal the bath.
 - 4) The following documentation to be submitted for inspection:
 - Notice of HMO Application – Certificate of Compliance
 - Electrical Installation Condition Report, which meets the requirements of BS 7671

LICENSING COMMITTEE INFORMATION SHEET

25 January 2023

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: BRIAN JOHNSTON

AGENT: WINCHESTERS LETTINGS

ADDRESS: 108 BANNERMILL PLACE, 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 property at No.108 Bannermill Place, Aberdeen, is the subject of this renewal HMO licence application and its accommodation comprises 3 letting bedrooms, lounge, 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 Robert Kerr (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:

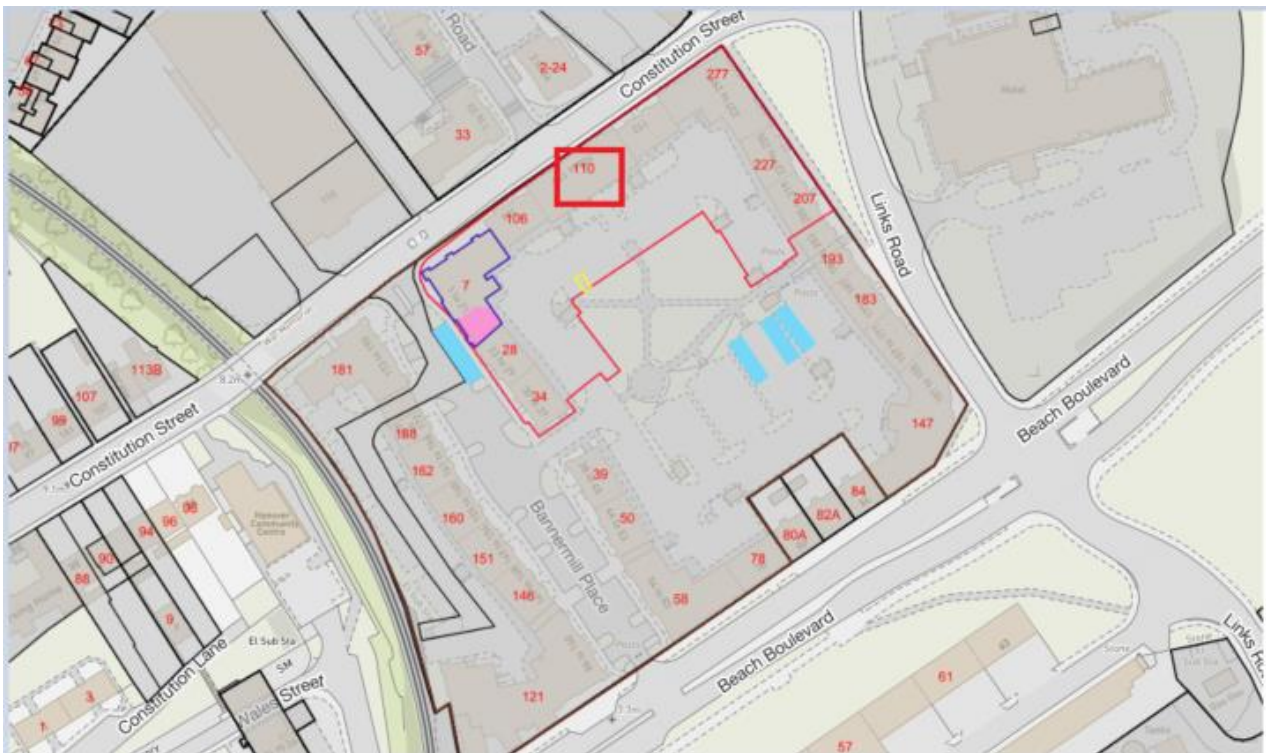
- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all the following reasons:
 - i) Its location
 - ii) Its condition
 - iii) Any amenities it contains
 - iv) The type & 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.108 Bannermill Place.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints in respect of No.108 Bannermill Place.
- All upgrading work required by the HMO Officer, including certification, has not yet been completed.
- There are currently 18 HMO licensed properties in Bannermill Place, ie. No 6, 36, 45, 49, 52, 53, 88, 103, 108, 153, 154, 155, 160, 165, 166, 171, 172 and 178.
- The applicant was first granted an HMO licence for No.108 Bannermill Place in October 2016 and the application under consideration is the second renewal application.
- The objection mentions a Notice of Display. The Notice was displayed on 5 December 2022 on a nearby lamppost. Pictures were taken by the Inspecting Officer (Appendix C). The legislation only requires the Notice to be displayed "on or near" the premises.

- 'Overprovision' is a statutory ground of refusal of an HMO licence application, however this ground of refusal is not available to the Committee for the reason that an 'Overprovision' policy is not currently in force at Aberdeen City Council.
- The information within the Deed of Conditions is not a ground for refusing an HMO licence within the statutory guidance. Licensing cannot be used to enforce other legal issues and that would have to be enforced via other means.

'A'



MY OBJECTION TO GRANTING HMO LICENCE FOR 108 BANNERMILL PLACE BY ABERDEEN CITY COUNCIL

FROM ROBERT KERR, OWNER AND OCCUPIER OF [REDACTED]

21/12/22

PREAMBLE

Apologies for the lack of formatting but I could not find a specific 'form' for this. Hopefully my document will be sufficient. I also apologise for being unable to include all that I want to be taken into account by the panel as I am awaiting additional information from the Council regarding overprovision of HMOs. Until I receive a response to my freedom of information request there are still unknowns to be accounted for. Finally, and this is not a complaint but feedback, I would give attention to the difficulties in being an 'objector'. Your HMO Unit will be able to provide fuller details but here is the short version. The 21day notice system is not being applied in accordance with information provided on the Council website. Notices are posted in remote and inaccessible area so are impossible to read without having to penetrate aggressive, overgrown thorny bushes. Associated with this is the lack of a practical navigation facility on the Council website for HMO applications.

BASIS OF MY OBJECTION

I have limited this to the permissible areas for Objection of i.e. A) **Suitability** of Accommodation and B) **Overprovision**, under the 2006 Act.

Suitability of the accommodation to be licenced includes several categories. The one I raise is 'The Condition of the Property'. The Title Deed I received as part of my purchase of [REDACTED] lists several conditions that are community burdens benefiting and burdening each property equally. They set procedures to be followed by the owners in making decisions about matters affecting the Bannermill Community. These include where things can be stored, how things should be maintained, how the common garden area should be replanted, the use of the individually owned car parking space (every property has a specific one) and the type of vehicles that can be parked there, what animals can be kept in the property, how properties may be divided and who may live there, what can be added or not added to the structure, drying lines, posters and so on. When I raised this with the HMO Unit, they said that these were not the Conditions meant in the 2006 Act so would not be considered as grounds for objection. I have searched extensively to see if there is anything to back this up but so far have found nothing so believe they are relevant.

I would have thought that if Councils had the power to erase these conditions there would be some record or discussion of doing that. The impact of such a measure, taken by the Council would be huge, effecting not only 108 Bannermill but all other Bannermill properties. Even beyond that, all of Aberdeen, those in Community

Developments would lose the benefit of similar conditions. I should highlight here that these conditions are benefits at a cost included in the purchase price I paid (JQT in effect).

Overprovision is clearly a matter to be considered under the 2006 Act as The Council can refuse a licence on these grounds. From my own research I believe that there is now an overprovision of HMOs across the City with the area including Bannermill being one of the most overprovided in spite of a decreasing

demand. This is the subject that I am awaiting information (via FOI request) to see if the Council has more up to date information and if so what is the current state of HMO Supply and Demand (the most up to date figures I have are 5 years old). If the Council decides to consider or not to consider the question of Overprovision I would like to know what data they are relying on.

SUMMARY OF MY OBJECTION

I believe that it is wrong for the Council to assume that conditions clearly defined in the Community Title Deeds are irrelevant to HMO application as conditions. The 2006 Act does not make that distinction.

I would like to request that the Council properly considers the Overprovision situation in the City for this application.

[REDACTED]

[REDACTED]

21/12/22

'C'





Housing (Scotland) Act 2006

APPLICATION FOR A LICENCE FOR A HOUSE

BEY GIVEN that an application has been submitted for a House in Multiple Occupation (HMO) in respect of

108 Bannermill Place, Aberdeen AB24 5EE

HOUS452916748

ADDRESS OF APPLICANT¹

Mr Brian Johnston

1 Hoy Terrace, Thurso, KW14 7PH

ADDRESS OF AGENT (WHERE APPLICABLE)²

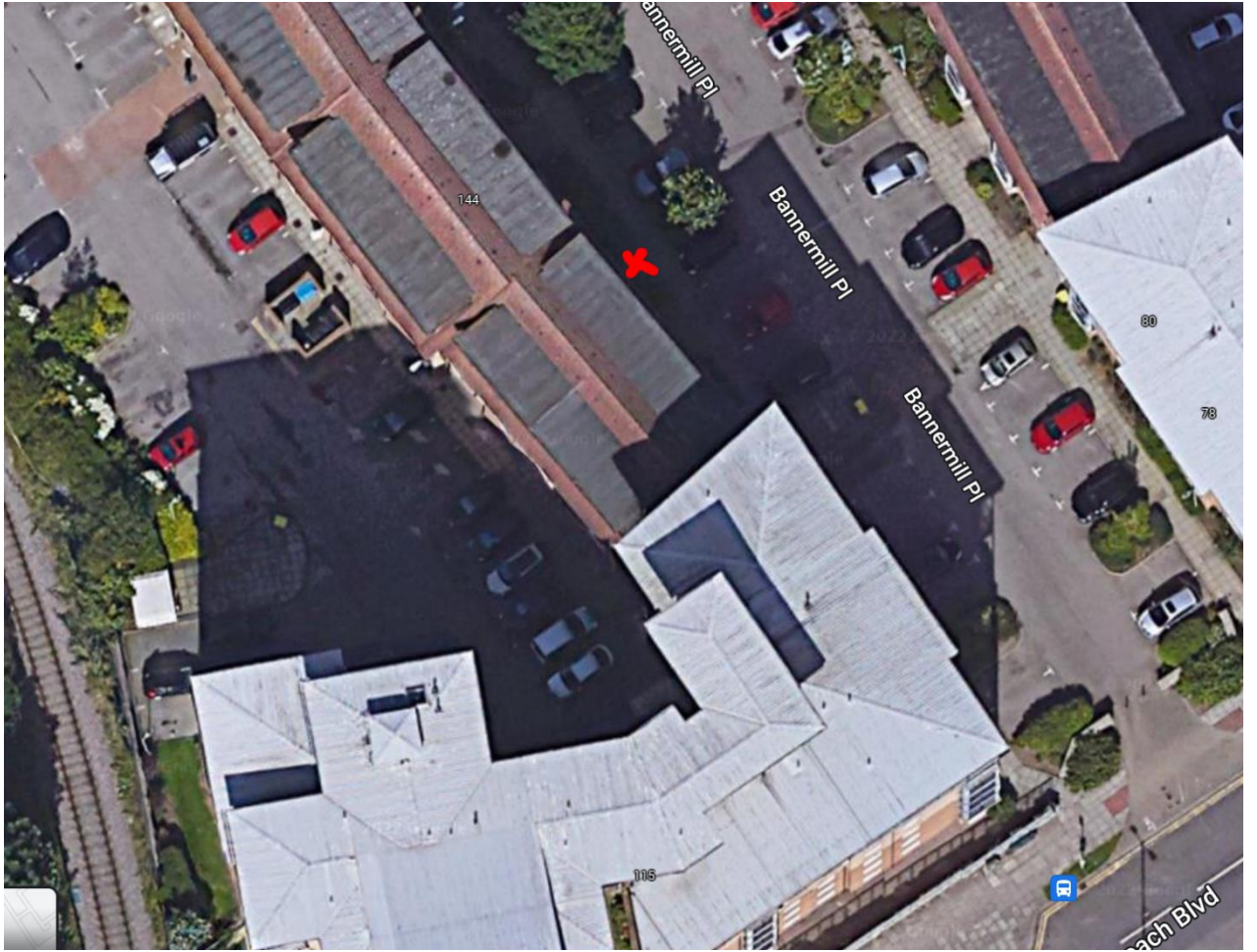
Winchesters Lettings

7 Albert Street, Aberdeen, AB25 1XX

DATE OF APPLICATION MADE

2022-09-20

about the application must -
The applicant must set out the name and address of the person responsible for the application and (d) be submitted to the HMO Licensing Officer, Aberdeen City Council, Business Hub 6, First Floor South, Marischal College, Aberdeen, AB9 8QJ. The application must be submitted no later than 21 days from the date on which the application is given to the applicant, it will also be considered as part of the public agenda for Licensing of HMOs. The application must be submitted in hardcopy and on the Aberdeen City Council website. If the applicant is an individual this is their name and address (if a company or partnership) then it is the name of the company or partnership. If the applicant is an individual this is their name and address (if a company or partnership) it is the name of the company or partnership.



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LICENSING COMMITTEE INFORMATION SHEET

25 January 2023

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: OAKLA DEVELOPMENTS LIMITED

AGENT: ABERDEEN PROPERTY LEASING

ADDRESS: 74 ASHGROVE ROAD, 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 3 storey property at No.74 Ashgrove Road, Aberdeen, is the subject of this renewal HMO licence application and its accommodation comprises 4 letting bedrooms 2 with en-suite, lounge, kitchen, utility room and shower room. 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 e-mail from Sheila Symons (Attached as Appendix B)
- One objection letter from Carol Devitt (Attached as Appendix C)

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.74 Ashgrove Road.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints in respect of No.74 Ashgrove Road.
- All upgrading work required by the HMO Officer, including certification, has not yet been completed.
- There are currently 8 HMO licensed properties in Ashgrove Road, ie. Flat H, K & M at No16. No 13, 17, 19, 70 and 74 are also HMO licensed.
- The applicant was first granted an HMO licence for No.74 Ashgrove Road in October 2019 and the application under consideration is the first renewal application.
- The objections mention points about car parking and the effect of an HMO on house prices. Members may wish to note that car parking and house prices are not considerations of HMO Licensing as they are not specifically mentioned in the Statutory Guidance.

'A'



'B'

From: [REDACTED]
Sent: 31 October 2022 08:57
To: HMOUnit <HMOUnit@aberdeencity.gov.uk>
Subject: Objection to HMO Reference [REDACTED]
Importance: High

Good morning

Proposed HMO at 74 Ashgrove Road, Aberdeen, AB25 3AD

I hereby lodge an objection to the proposed HMO. (I could not find a form on the council website to complete)

Reasons

1. There are too many HMOs in this area.
2. Antisocial behaviour experienced with the existing HMOs
 - Noisy gatherings lasting all hours of the morning
 - Students smoking pot/weed
 - Traffic cones being uplifted and placed on the pavement.
3. Overflowing street bins.
4. The owners of no. 74 were leasing their garages for commercial purposes and the waste was put in the street bins that serve our property.
- 5.. Extra litter in the street.
6. Shopping trolleys left on the pavement.
7. Lack of parking spaces.
8. Owner/occupier homes are being devalued.

Kind regards

[REDACTED]

'C'

HMO Unit,
Early Intervention &
Community Empowerment,
Business Hub 6,
First Floor South,
Marishall College,
Aberdeen,
AB10 1AB

RE: REF – [REDACTED]

To whom it may concern,

I am submitting an objection to the above application for a HMO licence in 74 Ashgrove Rd, Ab25 3AD.

This has been applied for by Oakla Delelopments Ltd, at 58 Cairnlee Avenue East Aberdeen, AB15 9NH. On Companies House Oakla Developments Ltd, is registered to Alexander Michael Cardow at 42 Queens Rd, Aberdeen AB15 4YE.

On Ashgrove Rd, which has a small section of residential properties to the proportion of the street, there is eight HMO's registered on the Aberdeen City Council register. These are at 13, 17, 19, 70, 74, 16H, 16K and 16M.

This amount of HMO's decreases the parking spaces for the on street parking on Ashgrove Rd. This in turn increases the car insurance for cars having to park on a street away from home and out of sight.

Too many HMO's on the street will decreases the value of owner occupied properties. Too many HMO's also block up the market for people to are trying to buy homes to occupy.

Scottish legislation changes mean that tenants only have to give notice of 28 days to terminate. This means there can be a high turn over of people in and out of the property and can increase the chances of crime. Several councils in England are taking measures to limit the amount of HMO's due to the links to crime.

Aberdeen Property Leasing confirmed that there are no tenants registered in the property at present. However since I have purchased my home on the 21st of October, I have met two tenants. One to stated there were three people living there and one who spoke of his landlord fixing the fire alarm. The fact that the letting agent has no record of tenants is concerning for a lone home owner and others in the street, particularly in terms of safety.

The property was built in 1900 and setting it up as a HMO is not appropriate for the style and age of the building

Looking forward to hearing from you,

[REDACTED]

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LICENSING COMMITTEE INFORMATION SHEET

25 JANUARY 2023

Taxi Operator Licence Renewal – T002

Licence Holder: - Brian Sinclair

Vehicle: - MV68 NHX

INFORMATION NOTE

Renewal submitted 27/06/2022

Determination date 26/06/2023

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 vehicle is owned by Rainbow Taxis. The application was submitted and paid for by Rainbow Taxis.

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.

GROUND FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

25 JANUARY 2023

Taxi Operator Licence Renewal – T682
Licence Holder: - Charles George Duncan Smith
Vehicle: - SV19 ORC

INFORMATION NOTE

Renewal submitted 28/07/2022
Determination date 27/07/2023
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 vehicle is owned by Rainbow Taxis. The application was submitted and paid for by Rainbow Taxis.

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.

GROUND FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

25 JANUARY 2023

Taxi Operator Licence Renewal – T248

Licence Holder: - Derek Cooper Clark

Vehicle: - MA17 NXB

INFORMATION NOTE

Renewal submitted 27/06/2022

Determination date 26/06/2023

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 vehicle is owned by Rainbow Taxis. The application was submitted and paid for by Rainbow Taxis.

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.

LICENSING COMMITTEE INFORMATION SHEET

25 JANUARY 2023

Taxi Operator Licence Renewal – T391

Licence Holder: - George Dow

Vehicle: - SV19 ORF

INFORMATION NOTE

Renewal submitted 28/04/2022
 Determination date 27/04/2023
 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 vehicle is owned by Rainbow Taxis. The application was submitted and paid for by Rainbow Taxis.

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.

LICENSING COMMITTEE INFORMATION SHEET 25 JANUARY 2023

Taxi Operator Licence Renewal – T869
Licence Holder: - Graham Elrick
Vehicle: - SF67 XCU

INFORMATION NOTE

Renewal submitted 28/07/2022
Determination date 27/07/2023
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 vehicle is owned by Rainbow Taxis. The application was submitted and paid for by Rainbow Taxis.

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.

LICENSING COMMITTEE INFORMATION SHEET

25 JANUARY 2023

Taxi Operator Licence Renewal – T883
Licence Holder: - Graeme James Hansley
Vehicle: - MJ67 OEB

INFORMATION NOTE

Renewal submitted 28/07/2022
Determination date 27/07/2023
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 vehicle is owned by Rainbow Taxis. The application was submitted and paid for by Rainbow Taxis.

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.

LICENSING COMMITTEE INFORMATION SHEET

25 JANUARY 2023

Taxi Operator Licence Renewal – T167
 Licence Holder: - Gerrard Duncan Kennedy
 Vehicle: - ML70 LVJ

INFORMATION NOTE

Renewal submitted 28/07/2022
 Determination date 27/07/2023
 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 vehicle is owned by Rainbow Taxis. The application was submitted and paid for by Rainbow Taxis.

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.

LICENSING COMMITTEE INFORMATION SHEET
25 JANUARY 2023

Taxi Operator Licence Renewal – T868
Licence Holder: - George John Edward Penny
Vehicle: - SF67 XCT

INFORMATION NOTE

Renewal submitted 29/04/2022
Determination date 28/04/2023
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 vehicle is owned by Rainbow Taxis. The application was submitted and paid for by Rainbow Taxis.

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.

LICENSING COMMITTEE INFORMATION SHEET

25 JANUARY 2023

Taxi Operator Licence Renewal – T073
 Licence Holder: - James Gordon Andrew
 Vehicle: - SV19 ORA

INFORMATION NOTE

Renewal submitted 28/07/2022
 Determination date 27/07/2023
 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 vehicle is owned by Rainbow Taxis. The application was submitted and paid for by Rainbow Taxis.

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.

LICENSING COMMITTEE INFORMATION SHEET

25 JANUARY 2023

Taxi Operator Licence Renewal – T059
Licence Holder: - John Henderson Noble
Vehicle: - MJ67 OEC

INFORMATION NOTE

Renewal submitted 28/07/2022
Determination date 27/07/2023
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 vehicle is owned by Rainbow Taxis. The application was submitted and paid for by Rainbow Taxis.

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.

LICENSING COMMITTEE INFORMATION SHEET 25 JANUARY 2023

Taxi Operator Licence Renewal – T733
Licence Holder: - John George Reid
Vehicle: - MF17 OKN

INFORMATION NOTE

Renewal submitted 28/04/2022
Determination date 27/04/2023
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 vehicle is owned by Rainbow Taxis. The application was submitted and paid for by Rainbow Taxis.

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.

LICENSING COMMITTEE INFORMATION SHEET

25 JANUARY 2023

Taxi Operator Licence Renewal – T155

Licence Holder: - Kenneth Murray

Vehicle: - SF67 XCR

INFORMATION NOTE

Renewal submitted 27/05/2022

Determination date 26/05/2023

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 vehicle is owned by Rainbow Taxis. The application was submitted and paid for by Rainbow Taxis.

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.

LICENSING COMMITTEE INFORMATION SHEET 25 JANUARY 2023

Taxi Operator Licence Renewal – T069
Licence Holder: - Mark Harry Bannerman
Vehicle: - SV19 ORG

INFORMATION NOTE

Renewal submitted 27/05/2022
Determination date 26/05/2023
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 vehicle is owned by Rainbow Taxis. The application was submitted and paid for by Rainbow Taxis.

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.

LICENSING COMMITTEE INFORMATION SHEET

25 JANUARY 2023

Taxi Operator Licence Renewal – T424

Licence Holder: - Margaret Ann Petrie

Vehicle: - ML67 MYY

INFORMATION NOTE

Renewal submitted 28/04/2022

Determination date 27/04/2023

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 vehicle is owned by Rainbow Taxis. The application was submitted and paid for by Rainbow Taxis.

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.

LICENSING COMMITTEE INFORMATION SHEET

25 JANUARY 2023

Taxi Operator Licence Renewal – T220

Licence Holder: - Ronald Campbell

Vehicle: - MV68 NHY

INFORMATION NOTE

Renewal submitted 29/06/2022

Determination date 28/06/2023

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 vehicle is owned by Rainbow Taxis. The application was submitted and paid for by Rainbow Taxis.

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.

LICENSING COMMITTEE INFORMATION SHEET

25 JANUARY 2023

Taxi Operator Licence Renewal – T309
 Licence Holder: - William Andrew McIntosh
 Vehicle: - SF65 BUU

INFORMATION NOTE

Renewal submitted 22/07/2022
 Determination date 21/07/2023
 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 vehicle is owned by Rainbow Taxis. The application was submitted and paid for by Rainbow Taxis.

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.

LICENSING COMMITTEE INFORMATION SHEET

25 JANUARY 2023

Taxi Operator Licence Renewal – T592

Licence Holder: - Yvonne Fallon

Vehicle: - MW18 YFF

INFORMATION NOTE

Renewal submitted 28/07/2022

Determination date 27/07/2023

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 vehicle is owned by Rainbow Taxis. The application was submitted and paid for by Rainbow Taxis.

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.

GROUND FOR REFUSAL

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

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

25 JANUARY 2023

Taxi Operator Licence Renewal – T356
 Licence Holder: - James Henry Dickson Forbes
 Vehicle: - MF18 EAO

INFORMATION NOTE

Renewal submitted 28/10/2022
 Determination date 27/07/2023
 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 vehicle is owned by Rainbow Taxis. The application was submitted and paid for by Rainbow Taxis.

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.

LICENSING COMMITTEE INFORMATION SHEET

25 JANUARY 2023

Marc Anderson T603

INFORMATION NOTE

Mr Anderson is seeking an exemption to the Committee Policy that states that any new grant application for a taxi licence or any vehicle being licensed on a taxi licence first granted after 1994 must have a WAV as the licenced vehicle.

The Committee has before it an email from Mr Anderson indicating the grounds under which he is seeking the exemption. Mr Anderson is currently the licence holder of taxi licence T603.

Mr Anderson states that he cannot purchase a new WAV and has been trying for 2 years.

Members may care to note that in the last 2 years 8 WAV vehicles have been licensed when new, which would be in line with the average of new WAVs licensed at any other time.

There are also new WAVs currently for sale via the most common taxi vehicle seller (2 makes/models widely used currently in the fleet) and another which has a 3 month delivery time, and another well known WAV seller has 15 new WAVs currently for sale starting at £28475 which is approx. £8000 less than a new Mercedes E220 saloon which is currently the most common saloon in the fleet or £4000 less than the second most common vehicle in the fleet the Toyota Corolla estate.

In addition, any manufacturer warranty remaining on a vehicle will transfer to the new owner if the vehicle is sold (for instance a vehicle sold as new with a 3 year warranty that is then sold after 1 year will have 2 years remaining on the warranty- this 2 year warranty will transfer to the new owner).

Should the Committee be minded to grant the exemption Mr Anderson is aware that he will be required to submit a substitution application for Taxi Licence T603

COMMITTEE GUIDELINES/POLICY

Licensing Committee policy states that any new grant application for a Taxi Licence or any vehicle being licensed on a licence first granted after 1994 must be for a WAV vehicle.

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