

# 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 20 June 2023

## LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in the **Council Chamber - Town House** on **WEDNESDAY, 28 JUNE 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 (LEGAL)

## B U S I N E S S

### NOTIFICATION OF URGENT BUSINESS

1.1. Urgent Business

### DETERMINATION OF EXEMPT BUSINESS

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### DECLARATIONS OF INTEREST AND TRANSPARENCY STATEMENTS

3.1. Declarations of Interest and Transparency Statements

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- 9.7. Grant of a Street Trader Licence - Esplanade, East Side, 160 North of New Pier Road - Moshi Moshi (Pages 49 - 50)
- 9.8. Grant of a Street Trader Licence - Beach Esplanade East Side, 250m South of Links Road South - Sweet Toots Cakery (Pages 51 - 52)
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- 9.10. Exemption from Policy - Street Trader - Union Street - Laura Ripley (Pages 55 - 58)
- 9.11. Grant of Skin Piercing and Tattooing Licence - 505 Black Pearl Tattoo Studio. 505 George Street - Mateusz Bylicki (Pages 59 - 60)
- 9.12. Grant of Skin Piercing and Tattooing Licence - 505 Black Pearl Tattoo Studio. 505 George Street - Sylwia Zareba (Pages 61 - 62)

**CONFIDENTIAL INFORMATION - APPLICATIONS, INCLUDING LIST OF APPLICATIONS, TO BE HEARD IN PRIVATE**

**Applications to be heard in private and treated as confidential information in terms of Section 50(A)(3)(b) of the Local Government (Scotland) Act 1973.**

- 10.1. Renewal of a Taxi Driver Licence (Pages 65 - 68)
- 10.2. Renewal of a Taxi Operator Licence (Pages 69 - 72)
- 10.3. Exemption from Policy - Street Knowledge Test (Pages 73 - 76)
- 10.4. Exemption from Policy - Age of Vehicle and Wheelchair Accessible Vehicle (Pages 77 - 80)
- 10.5. Exemption from Policy - Age of Vehicle (Pages 81 - 84)

EHRAs 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](http://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](mailto:mmasson@aberdeencity.gov.uk)

## LICENSING COMMITTEE

ABERDEEN, 3 May 2023. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Al-Samarai, Convener; Councillor Delaney, Vice-Convener; and Councillors Boulton, Clark, Crockett, Fairfull, Farquhar, Henrickson, MacGregor, Malik (as substitute for Councillor Tissera), McLeod and van Sweeden.

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

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

### DECLARATIONS OF INTEREST AND TRANSPARENCY STATEMENTS

1. No declarations of interest or transparency statements were intimated.

### DEPUTATIONS

2. The Convener advised that a deputation request had been submitted by Russell McLeod, Chris Douglas and Alan Catto on behalf of the Taxi Trade in respect of item 9.1 (Taxi Fare Review – 2023), however it was not submitted on time and was therefore not competent in terms of the Council's standing orders (two clear working days before the Committee meeting). She indicated that on this occasion and in terms of standing order 14.11, she would be minded to accept the deputation on to the agenda to help facilitate discussion on this item, although she intimated that that she would not accept any future requests for deputation which did not meet the criteria (for deputations) outlined in the standing orders.

#### **The Committee resolved:-**

to agree to hear the deputation from Russell McLeod, Chris Douglas and Alan Catto immediately prior to Item 9.1 (Taxi Fare Review - 2023).

### MINUTE OF PREVIOUS MEETING OF 15 MARCH 2023, FOR APPROVAL

3. The Committee had before it the minute of its previous meeting of 15 March 2023, for approval.

#### **The Committee resolved:-**

to approve the minute.

**Licensing COMMITTEE**

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**MINUTE OF MEETING OF THE TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP OF 5 APRIL 2023, FOR INFORMATION**

4. The Committee had before it the minute of meeting of the Taxi and Private Hire Car Consultation Group of 5 April, 2023.

**The Committee resolved:-**

to note the minute.

**COMMITTEE BUSINESS PLANNER**

5. The Committee had before it the Committee Business Planner as prepared by the Interim Chief Officer – Governance (Legal).

**The Committee resolved:-**

to note the business planner.

**RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - FLAT B, 30 SUNNYBANK ROAD**

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

**GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - ATTIC FLOOR FLAT, 5 CALSAYSEAT ROAD**

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

**GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 12 FAULDS GATE**

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

**GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 625 KING STREET**

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

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**GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 188 GREAT WESTERN ROAD**

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

**VARIATION OF A SECOND HAND DEALERS'S LICENCE - CEX LIMITED, 46 UNION STREET**

11. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which (1) advised that the applicant was seeking a variation of a second-hand dealer's licence, requesting that condition 3 on the licence be removed, which provided that the licence holder shall keep all articles in his shop or other place where his ordinary business is carried on. He shall not dispose of any articles acquired by him except goods bought at auction until the expiry of 48 hours (excluding any time on Saturdays and Sundays) after the date on which it shall appear from his books or electronic records that such articles have been purchased or received; (2) indicated that the application required to be determined by 27 November 2023; and (3) appended a letter of objection received from Police Scotland dated 7 March 2023.

Mr Connor Hill, representing the applicant was in attendance, spoke in support of the application and responded to questions from members.

PC Ian Duthie was in attendance and spoke in support of Police Scotland's letter of objection.

Both parties summed up.

**The Committee resolved:-**

to refuse the variation of the licence.

**GRANT OF A PUBLIC ENTERTAINMENT LICENCE - ABERDEEN CITY COUNCIL - BRIMMOND SCHOOL**

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

**REQUEST FOR EXEMPTION FROM THE STREET KNOWLEDGE TEST - KASHIF IFTIKHAR**

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 to the

## **Licensing COMMITTEE**

3 May 2023

current Committee Policy which stated that all intended applicants for a Taxi Driver Licence must pass the street knowledge test before a grant of a licence can be submitted.

The applicant was not in attendance, nor represented.

**The Committee resolved:-**

to refuse the request for exemption from the Street Knowledge Test.

### **RENEWAL OF A STREET TRADER'S LICENCE - ZONE 1, ZONE 5, ZONE 6 SEATON PARK - MOHAMMAD TOHIDUL ALAM**

14. With reference to article 14 of the minute of the previous meeting of 15 March 2023, the Committee had before it (1) an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the application required to be determined by 28 August 2023; and (2) a letter of representation submitted by Mr Steven Shaw, Environmental Manager, Aberdeen City Council.

The applicant was in attendance, was supported by an interpreter who both spoke in support of the application and responded to questions from members.

Mr Steven Shaw was in attendance and responded to questions from members in relation to his letter of representation.

Both parties were offered the opportunity to sum up.

**Committee resolved:-**

to grant the licence which included trading within Seaton Park, seven days a week from 10:00 to 22:00.

### **REQUEST FOR EXEMPTION FROM THE WHEELCHAIR ACCESSIBLE VEHICLE POLICY - STEVEN WILSON**

15. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the licence holder was seeking an exemption to the Committee Policy that states that any new grant application for a taxi must be for a Wheelchair Accessible Vehicle.

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

**The Committee resolved:-**

to defer consideration of the request in order to await further information and/or advice from the Chief Officer – Strategic Place Planning, in relation to ongoing discussions



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around Low Emission Zone enforcement and exemptions pertaining to taxi and private hire vehicles which may fall below the emission standards.

**TAXI FARE REVIEW 2023 - COM/23/145**

16. With reference to article 2 of this minute, the Committee received a deputation from Russell McLeod, Chris Douglas and Alan Catto.

Mr McLeod made reference to the previous Taxi Fare Review in 2019, which was implemented in early 2020. He advised that the past 12 months had been difficult for the taxi trade, which included rising fuel costs and the cost of living increases. He made reference to the National Hackney Fares Table for April 2023 and advised that Glasgow and the Highlands, including Inverness had both recently been awarded 20% increases, Aberdeenshire taxi fares had increased by 10% on 1 April 2023.

In addition, Mr McLeod indicated that Aberdeen did not have a Fare Increase in 2022, however drivers were able to pass on any charge Aberdeen International Airport implemented, without having to come back to Committee. He intimated that the taxi trade sought an increase in 2022, although this was refused by the Committee, one month before Russia invaded Ukraine.

Mr McLeod made reference to the existing Taxi Fare Formula, the costs of various vehicles, tyres, parts and labour charges which were all considerably more expensive (in excess of 15%) than they were back in 2019/20. He explained that the trade faced further financial pressures and that many colleagues would be required to invest in newer, greener vehicles to comply with the Low Emission Zone being introduced in the city centre in June 2024.

Mr McLeod outlined their proposal for taxi fares including a request to simplify the Christmas Tariff and urged the Committee to agree to their proposal. He advised of an error in their submission regarding the extra pick-up charge at the Railway Station which should read £1.00 instead of £0.50.

Mr McLeod, Mr Douglas and Mr Catto responded to questions from members of the Committee.

With reference to article 5 of the minute of the previous meeting of 15 March 2023, the Committee had before it a report by the interim Chief Officer – Governance (legal) which provided evidence from the taxi fare tariff calculator that would allow the Committee to reach an informed decision on any changes to be made to the current taxi fare tariff and comply with its duty to review taxi fares under section 17 of the Civic Government (Scotland) Act 1982.

**The report recommended:-**  
that the Committee –

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- (a) approve either Option A or Option B detailed at section 3.4 of the report as the proposed scales to be advertised for the taxi fare review in terms of section 17 of the Civic Government (Scotland) Act 1982
- (b) to instruct the Chief Officer - Governance to advertise the proposed scales agreed in a newspaper circulating in its area for at least one month together with the general effect of the proposed scales and the date when it is proposed that they will take effect; and
- (c) to instruct the Chief Officer - Governance to submit a report to the Licensing Committee on 28 June 2023 on the outcome of the consultation on the proposed scales and seeking a final decision on the future taxi fare levels to be adopted from 31 July 2023.

The Convener, seconded by Councillor Boulton moved:-  
that the Committee –

- (1) approve the tariff option submitted by the Taxi Trade as part of the consultation process and that the scales proposed be advertised for the taxi fare review in terms of section 17 of the Civic Government (Scotland) Act 1982; and
- (2) approve recommendations (b) and (c) within the report.

The Vice Convener moved as an amendment:-  
that the Committee –

- (1) approve Option A detailed at section 3.4 of the report as the proposed scales to be advertised for the taxi fare review in terms of section 17 of the Civic Government (Scotland) Act 1982; and
- (2) approve recommendations (b) and (c) within the report.

The Vice Convener's amendment was not seconded, therefore in terms of standing order 29.12, the amendment fell.

### **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.**

### **TAXI DRIVER'S LICENCE COMPLAINT (AGENDA ITEM 10.1)**

17. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the licence holder had received a number of complaints regarding the overcharging of fares.

## **Licensing COMMITTEE**

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The licence holder and his representative Mr Joe Clark (Unite) was in attendance, spoke in support of the application and responded to questions from members.

### **The Committee resolved:-**

- (i) to issue a warning to the licence holder that any similar conduct in this regard may result in the suspension or revocation of the licence; and
- (ii) to agree to take no further action.

### **TAXI DRIVER'S LICENCE COMPLAINT (AGENDA ITEM 10.2)**

18. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the licence holder had received a complaint regarding the overcharging of a fare.

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

### **The Committee resolved:-**

- (i) to issue a warning to the licence holder that any similar conduct in this regard may result in the suspension or revocation of the licence; and
- (ii) to agree to take no further action.

### **TAXI DRIVER'S LICENCE COMPLAINT (AGENDA ITEM 10.3)**

19. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the licence holder had received a number of complaints regarding the overcharging of fares.

The licence holder and his representative Mr Joe Clark (Unite) was in attendance, spoke in support of the application and responded to questions from members.

### **The Committee resolved:-**

- (i) to issue a warning to the licence holder that any similar conduct in this regard may result in the suspension or revocation of the licence; and
- (ii) to agree to take no further action.

### **TAXI DRIVER'S LICENCE COMPLAINT (AGENDA ITEM 10.4)**

20. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the licence holder had received a number of complaints regarding the overcharging of fares.

## **Licensing COMMITTEE**

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The licence holder and their representative Mr Joe Clark (Unite) was in attendance, spoke in support of the application and responded to questions from members.

**The Committee resolved:-**

- (i) to issue a warning to the licence holder that any similar conduct in this regard may result in the suspension or revocation of the licence; and
- (ii) to agree to take no further action.

**REQUEST FOR EXEMPTION FROM THE AGE OF VEHICLE POLICY (AGENDA ITEM 10.5)**

21. 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 licence holder was not in attendance, nor represented.

**The Committee resolved:-**

to defer consideration of the application to the next meeting of the Committee, to allow the applicant to attend.

**REQUEST FOR EXEMPTION FROM THE WHEELCHAIR ACCESSIBLE VEHICLE POLICY (AGENDA ITEM 10.6)**

22. The Committee had before it an information note prepared by the interim Chief Officer – Governance, which advised that the licence holder was seeking an exemption to the Committee Policy that states that any new grant application for a taxi must be for a Wheelchair Accessible Vehicle.

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

**The Committee resolved:-**

to refuse the request for exemption from the Wheelchair Accessible Vehicle Policy, noting that there was no sufficient medical information submitted at this time.

**REQUEST FOR EXEMPTION FROM THE WHEELCHAIR ACCESSIBLE VEHICLE POLICY (AGENDA ITEM 10.7)**

23. The Committee had before it an information note prepared by the interim Chief Officer – Governance, which advised that the licence holder was seeking an exemption

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to the Committee Policy that states that any new grant application for a taxi must be for a Wheelchair Accessible Vehicle.

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

**The Committee resolved:-**

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

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

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|   | A  | B   | C                       | D             | E                        | F             | G                         | H   | I  |
|---|--|---|-------------------------|---------------|--------------------------|---------------|---------------------------|---|--|
| 1 | <b>LICENSING COMMITTEE BUSINESS PLANNER</b>  |   |                         |               |                          |               |                           |   |  |
|   | 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 |  |   | <b>28 June 2023</b>     |               |                          |               |                           |   |  |
| 4 | Street Trading at Beach - Consultation Feedback  | The Licensing Committee on 15/3/23 agreed to instruct the Chief Officer – Governance to undertake a consultation process in relation to Street Trading at the Beach Esplanade and that a report on the results of the consultation be submitted to the Committee at its meeting on 28 June 2023   |                         | Sandy Munro   | Governance               | Commissioning | 17.3                      |   |  |
| 5 | Taxi Fare Review 2023  | The Committee on 3 May 2023 agreed to instruct the Chief Officer - Governance to submit a report to the Licensing Committee on 28 June 2023 on the outcome of the consultation on the proposed scales and seeking a final decision on the future taxi fare levels to be adopted from 31 July 2023 |                         | Sandy Munro   | Governance               | Commissioning | 17.3                      |   |  |
| 6 |  |   | <b>6 September 2023</b> |               |                          |               |                           |   |  |
| 7 | Taxi Driver Training   | Licensing Committee 19/2/19 agreed to instruct the Chief Officer – Governance to continue to investigate training programmes for taxi and private hire drivers and report back to the Committee in this regard as and when appropriate.   |                         | Sandy Munro   | Governance               | Commissioning | 17.3                      |   |  |
| 8 | Taxi Fleet Composition   | The Licensing Committee on 15/3/23 agreed that a report on the options for a mixed taxi fleet be brought to Committee at its meeting on 6 September 2023  |                         | Sandy Munro   | Governance               | Commissioning | 17.3                      |   |  |
| 9 | Low Emission Zone – Time-Limited Exemption for Taxis and Private Hire Cars   | To advise Members of the additional time-limited exemption from the Low Emission Zone (LEZ) granted to drivers of taxis and private hire cars (PHCs).   |                         | Will Hekelaar | Strategic Place Planning | Commissioning | 17.3                      |   |  |

|    | A   | B   | C               | D               | E  | F             | G                         | H   | I  |
|----|---|---|-----------------|-----------------|--|---------------|---------------------------|---|--|
|    | Report Title  | Minute Reference/Committee Decision or Purpose of Report  | Update          | Report Author   | Chief Officer                                | Directorate   | Terms of Reference Number | Delayed or Recommended for removal or transfer, enter either D, R, or T | Explanation if delayed, removed or transferred |
| 2  |   |   |                 |                 |  |               |                           |   |  |
| 10 |   |   | 8 November 2023 |                 |  |               |                           |   |  |
| 11 | Annual Committee Effectiveness Report               | To present the Annual Committee Effectiveness Report  |                 | Mark Masson     | Governance                                   | Commissioning | GD 8.5                    |   |  |
| 12 | 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                      |   |  |
| 13 |   |   | 2024/TBC        |                 |  |               |                           |   |  |
| 14 | 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                      |   |  |



## ABERDEEN CITY COUNCIL

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|                           |                       |
|---------------------------|-----------------------|
| <b>COMMITTEE</b>          | Licensing Committee   |
| <b>DATE</b>               | 28 June 2023          |
| <b>EXEMPT</b>             | No                    |
| <b>CONFIDENTIAL</b>       | No                    |
| <b>REPORT TITLE</b>       | Taxi Fare Review 2023 |
| <b>REPORT NUMBER</b>      | COM/23/198            |
| <b>DIRECTOR</b>           | Gale Beattie          |
| <b>CHIEF OFFICER</b>      | Jenni Lawson          |
| <b>REPORT AUTHOR</b>      | Sandy Munro           |
| <b>TERMS OF REFERENCE</b> | 17.3                  |

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### **1. PURPOSE OF REPORT**

- 1.1 To provide the Committee with the responses to the draft fare tariff agreed on 3 May 2023.

### **2. RECOMMENDATION(S)**

That the Committee:-

- 2.1 Approves the fare tariff at Appendix 1;
- 2.2 Instructs the Chief Officer-Governance to notify all operators of taxis within 7 days of the new tariff and their rights of appeal to the Traffic Commissioner; and
- 2.3 In the absence of an appeal to the Traffic Commissioner, instructs the Chief Officer-Governance to publish the final fare tariff to take effect as of 31 July 2023.

### **3. BACKGROUND**

- 3.1 At the meeting of 3 May 2023 the Committee approved the circulation of the fare tariff at Appendix 1.
- 3.2 There have been no responses received to the draft fare tariff.
- 3.3 Once the final fare tariff has been agreed the operators of taxis have to be informed within 7 days. Any operator may submit an appeal to the Traffic Commissioner within 14 days of being notified of the final fare tariff.
- 3.4 In the absence of any appeal and given that there were no representations to the draft tariff, the risk of an appeal is considered minimal, the final fare tariff must be published in a newspaper as soon as possible after the 14-day appeal period, indicating the date on which the new fare tariff is to take effect.

## 4. FINANCIAL IMPLICATIONS

4.1 The approval of the recommendations will require:

4.1.1 Written notice to all taxi licence holders and the persons and organisations consulted during the review, setting out and explaining the effect to the scales fixed, the date they are to come into effect and their rights of appeal to the Traffic Commissioner.

4.1.2 Copies of the new Taxi Tariff Card to be produced and issued to all taxi and private hire licence holders to be displayed in their vehicles;

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

4.1.4 There will, therefore, be a financial cost to the Licensing Team, Governance in consultation advertisements, producing and issuing the above documentation. These costs will be met within existing taxi licensing budgets.

## 5. LEGAL IMPLICATIONS

5.1 In terms of Section 17 of the Civic Government (Scotland) Act 1982 (“The Act”) the Council, as the licensing authority for taxis is obliged to regularly review and fix the scales for fares and surcharges so that they take effect within 18 months beginning with the date on which the previous scales came into effect. The Local Authority last reviewed fares in January 2022 and the tariff and surcharges took effect on 30 April 2022. Therefore, the review must be completed, and the scales fixed no later than 29 October 2023.

## 6. MANAGEMENT OF RISK

| Category              | Risk  | Low (L)<br>Medium (M)<br>High (H) | Mitigation   |
|-----------------------|---|-----------------------------------|--|
| <b>Strategic Risk</b> | There is no strategic risk to Aberdeen City Council arising from the recommendations in this report | L                                 |  |
| <b>Compliance</b>     | There is a legal risk if Aberdeen City Council does not comply with legislation                     | L                                 | To ensure that the Committee approve the fare review within the statutory time scales. |

|                              |   |   |   |
|------------------------------|---|---|---|
| <b>Operational</b>           | There is no operational risk to Aberdeen City Council arising from the recommendations in this report   | L |   |
| <b>Financial</b>             | There is no financial risk to Aberdeen City Council arising from the recommendations in this report   | L |   |
| <b>Reputational</b>          | As a licensing authority there would be a reputational risk to the Council if it failed to undertake its legal obligation and not carry out the review. | L | As this report is introducing the review for consultation within the statutory time period any risk is mitigated. |
| <b>Environment / Climate</b> | There is no risk to the environment arising from the recommendations of this report   | L |   |

## 7. OUTCOMES

| <u><b>COUNCIL DELIVERY PLAN</b></u>                 |                |
|---|----------------|
| <b>Impact of Report</b>                             |                |
| <b>Aberdeen City Council Policy Statement</b>       | Not applicable |
| <b>Aberdeen City Local Outcome Improvement Plan</b> |                |
| Prosperous Economy Stretch Outcomes                 | Not applicable |
| Prosperous People Stretch Outcomes                  | Not applicable |
| Prosperous Place Stretch Outcomes                   | Not applicable |
| <b>Regional and City Strategies</b>                 | Not applicable |

|  |   |
|--|---|
| <b>UK and Scottish Legislative and Policy Programmes</b> | The report sets out the procedure to review Taxi fares as per S17 of the Civic Government (Scotland) Act 1982 |
|--|---|

## 8. IMPACT ASSESSMENTS

| <b>Assessment</b>                        | <b>Outcome</b>                      |
|--|-------------------------------------|
| <b>Impact Assessment</b>                 | Full impact assessment not required |
| <b>Data Protection Impact Assessment</b> | not required                        |

## 9. APPENDICES

9.1 Appendix 1- Taxi Fare Tariff

## 10. REPORT AUTHOR CONTACT DETAILS

|                      |                              |
|----------------------|------------------------------|
| <b>Name</b>          | Sandy Munro                  |
| <b>Title</b>         | Solicitor                    |
| <b>Email Address</b> | alemunro@aberdeencity.gov.uk |



NOTICE TO BE PROMINENTLY DISPLAYED IN VEHICLE  
 CITY OF ABERDEEN LICENSING OF TAXIS AND PRIVATE HIRE CARS  
**MAXIMUM CHARGES APPLICABLE TO HIRE OF TAXIS AND PRIVATE HIRE CARS FITTED WITH TAXI METERS**  
 – WITH EFFECT FROM 31 JULY 2023

**Tariffs- All tariffs and holidays are time locked into the taxi meter and are out-with the control of the operator**

|     |  |              |
|-----|--|--------------|
| 1.  | 08:00 to 20:00 Hrs Monday to Friday  |              |
| (A) | For the FIRST 987 yards  | <b>£3.00</b> |
| (B) | For every additional 146.5 yards   | <b>£0.20</b> |
|     |  |              |
| 2.  | <b>20:00 to 08:00 Hrs Friday &amp; All Day Saturday &amp; Sunday (Except 02:00 to 05:00 Hrs)</b>                                   |              |
| (A) | <b>For the FIRST 987 yards</b>   | <b>£5.00</b> |
| (B) | <b>For every additional 146.5 yards</b>  | <b>£0.20</b> |
|     |  |              |
| 3.  | <b>02:00 to 05:00 Hrs Saturday &amp; Sunday</b>  |              |
| (A) | <b>For the FIRST 987 yards</b>   | <b>£6.00</b> |
| (B) | <b>For every additional 146.5 yards</b>  | <b>£0.20</b> |
|     |  |              |
| 4.  | <b>Christmas &amp; New Year (20:00 Hrs 24 December to 05:00 Hrs 27 December and 20:00 Hrs 31 December to 05:00 Hrs 03 January)</b> |              |
| (A) | <b>For the FIRST 987 yards</b>   | <b>£6.00</b> |
| (B) | <b>For every additional 146.5 yards</b>  | <b>£0.30</b> |

Where 5 or more passengers carried add 50% to above rates

5. **Holidays For each hiring on the Spring, May Day, Midsummer and Autumn holidays as follows:-**  
**Spring - Monday following third Sunday in April (if such Monday falls within the week in which Good Friday falls, then the following Monday)**  
**Mayday - first Monday in May; Midsummer-second Monday in July; Autumn - fourth Monday in September;**

**Tariff 3 Applies 00:00 to 08:00 Hrs and 20:00 to 24:00 Hrs**

**Tariff 2 Applies 08:00 to 20:00 Hrs**

**Extras**

|     |   |  |
|-----|---|--|
| (A) | <b><u>Waiting</u></b>   |  |
|     | Standard-   | A sum calculated at the rate of £0.20 every 26.4 Seconds                                 |
|     | Christmas & New Year-   | A sum calculated at the rate of £0.30 every 26.4 Seconds                                 |
| (B) | <b><u>Surcharges</u></b>  |  |
| (1) | For each hiring pre-booked.   | <b>£1.00</b>   |
| (2) | Airport Fees –  |  |
|     | Drop-Off Charge-  | As per current barrier value according to local signage                                  |
|     | Pick-Up At Airport-   | As per current barrier value according to local signage, chargeable from time of booking |
|     | Airport Taxis-  | As per current barrier value charged to the driver by Airport Authority                  |
|     |   |  |
| (3) | For each hiring commencing at Aberdeen Railway Station (Railway Taxis Only) | <b>£1.00</b>   |
| (4) | A charge of £60 per incident of fouling a taxi.                             |  |

**Chief Officer- Governance**

## EXPLANATORY NOTES.

1. The Council is required to set a maximum amount that can be charged for journeys in Taxis and Private Hire Cars fitted with Taximeters which it licences. Fares are reviewed at regular intervals to take into account of the operational costs of the vehicle and the driver's time, to allow the operator to make a reasonable return and to encourage the operation of taxis. Comparisons are made with taxi fares in other areas of the UK. There is opportunity for the public and trade to participate in the setting on the levels of fares proposed and taxi operators have the right to appeal against the Tariff set down by the Council before it comes into operation.

2. Please note that a taxi driver is not required to take you on a **journey ending outside the city boundary. Typical Destinations in the City** – Aberdeen Airport, Bridge of Don, Cove, Dyce, Kingswells and Peterculter. **Outwith the City** – Banchory, Blackburn, Ellon, Kemnay, Kintore, Inverurie, Oldmeldrum, Portlethen, Stonehaven and Westhill. If the driver does agree to take you outwith the city, these maximum fares do not apply and it is up to you to reach agreement with the driver as to the fare. You should do this before you start.

3. If you have booked a taxi to arrive at a particular time and keep it waiting, the driver can start the meter running once he has made his presence known to you and you can be charged at the maximum Waiting Time Rate shown on the Tariff.

4. The taximeter contains an electronic clock and calendar and calculates the correct fare based on the date, time of day and distance travelled. If the vehicle's speed falls below a predetermined speed, the taximeter will automatically switch over from calculating the fare based on the distance travelled to a calculation based on the time spent in the vehicle. You will be able to see the fare mounting up on the taxi meter as the vehicle goes along.

5. The driver is required to take you to your destination by the shortest or quickest practicable route.

6. The maximum fare you are required to pay is the sum calculated in accordance with the Tariff overleaf.

7. Please note that - (1) The fare payable may differ for the same journey on different days if the taxi has been held up in traffic and (2) a very short journey may be relatively expensive, due to the way the meter works. The fare will also vary depending on whether the trip was during the evening, early Saturday or Sunday morning or during certain public holidays.

8. If you are asked to pay VAT on the fare, please ask for a proper VAT receipt.

9. It is up to you to decide whether you wish to give the driver a **Tip**.

10. It is a criminal offence for you to take a taxi journey without having the money to pay for it.

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

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

## ABERDEEN CITY COUNCIL

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|                           |   |
|---------------------------|---|
| <b>COMMITTEE</b>          | Licensing Committee                           |
| <b>DATE</b>               | 5 July 2022                                   |
| <b>EXEMPT</b>             | No  |
| <b>CONFIDENTIAL</b>       | No  |
| <b>REPORT TITLE</b>       | Street Trading at Aberdeen Beach Consultation |
| <b>REPORT NUMBER</b>      | COM/23/189                                    |
| <b>DIRECTOR</b>           | Gale Beattie                                  |
| <b>CHIEF OFFICER</b>      | Jenni Lawson                                  |
| <b>REPORT AUTHOR</b>      | Sandy Munro                                   |
| <b>TERMS OF REFERENCE</b> | 17  |

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### 1. PURPOSE OF REPORT

- 1.1 This report provides the Committee with the results of the consultation on street trading activities at Aberdeen Beach.

### 2. RECOMMENDATION(S)

That the Committee:

- 2.1 Considers the Consultation responses in Appendices 1 to 4; and
- 2.2 Agrees to continue to consider applications for street trading at the beachfront on a case-by-case basis;

### 3. CURRENT SITUATION

- 3.1 At the meeting of the Committee on 15 March 2023 officers were instructed to undertake a consultation exercise with respect to street trading activity at Aberdeen Beach.
- 3.2 A public consultation was held online between 28 March 2023 and 28 April 2023 and was advertised on the Council's social media channels.
- 3.3 A total of 4336 responses were received. A summary of the consultation is attached as Appendix 1 to this report.
- 3.4 Opinions were initially sought on whether or not there were issues with street trading activities in the beach area. The vast majority of responses (3843) indicated there were no issues. The reasons given are detailed in Appendix 2 to the report which can be accessed at [Appendix 2 Street Trader Policy Consultation 2023-question 5 responses V2.xls \(live.com\)](#)

3.5 Opinions were then sought on the most suitable options for street trading at the beach:

|  |      |
|--|------|
| No restrictions  | 1960 |
| Specific area of beachfront, no restriction on numbers | 968  |
| Restricted number of specific pitches                  | 862  |
| Restricted number, no restriction on area              | 300  |
| Other  | 172  |
| No street trading at beachfront                        | 74   |

Reasons for the answers are detailed in Appendix 3 to the report which can be accessed at [Appendix 3 Street Trader Policy Consultation 2023-question 7 responsesV2.xls \(live.com\)](#)

3.6 The main recurring themes within the responses appear to be that the street traders offer a welcome addition to the beachfront, create a community feel and attract footfall to the beach, whilst providing a variety of affordable options for customers and opportunities for small local businesses. Additionally, many people appear to consider supply and demand will regulate numbers.

3.7 The main themes for those opposing or concerned about street traders appear to be based on nuisance from litter and smells, issues with parking, and concerns over the aesthetics of some of the vehicles/kiosks and the impression that they are taking income from the cafes on the beachfront.

3.8 Any other comments were invited as a final question and the responses are detailed in Appendix 4 to the report which can be accessed at [Appendix 4 Street Trader Policy Consultation 2023-any other commentsV2.xls \(live.com\)](#)

The same themes identified at paragraphs 3.6 and 3.7 were largely repeated, with the vast majority of respondents viewing the street traders as a positive addition to the beachfront.

#### **4. FINANCIAL IMPLICATIONS**

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

#### **5. LEGAL IMPLICATIONS**

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

#### **6. ENVIRONMENTAL IMPLICATIONS**



6.1 There are no direct environmental implications arising from the recommendations of this report.

## 7. RISK

| Category                     | Risks                            | Primary Controls/Control Actions to achieve Target Risk Level | *Target Risk Level (L, M or H)<br><br>*taking into account controls/control actions | *Does Target Risk Level Match Appetite Set? |
|------------------------------|----------------------------------|---|---|---|
| <b>Strategic Risk</b>        | No significant risks identified. |   |   |   |
| <b>Compliance</b>            | No significant risks identified. |   |   |   |
| <b>Operational</b>           | No significant risks identified. |   |   |   |
| <b>Financial</b>             | No significant risks identified. |   |   |   |
| <b>Reputational</b>          | No significant risks identified. |   |   |   |
| <b>Environment / Climate</b> | No significant risks identified. |   |   |   |

## 8. OUTCOMES

| <b><u>COUNCIL DELIVERY PLAN</u></b> |  |
|-------------------------------------|--|
|                                     | <b>Impact of Report</b>  |
|                                     | The proposals in this report have no impact on the Council Delivery Plan |

## 9. IMPACT ASSESSMENTS

| <b>Assessment</b>                        | <b>Outcome</b>                      |
|--|-------------------------------------|
| <b>Integrated Impact Assessment</b>      | Full impact assessment not required |
| <b>Data Protection Impact Assessment</b> | Not required                        |
| <b>Other</b>                             | None                                |

## **10. BACKGROUND PAPERS**

10.1 None

## **11. APPENDICES**

11.1 Appendix 1 - Public consultation summary

11.2 Appendix 2 – Q5 responses

11.3 Appendix 3 – Q7 responses

11.4 Appendix 4 – Any other comments

## **12. REPORT AUTHOR CONTACT DETAILS**

|                      |                              |
|----------------------|------------------------------|
| <b>Name</b>          | Sandy Munro                  |
| <b>Title</b>         | Solicitor                    |
| <b>Email Address</b> | AleMunro@aberdeencity.gov.uk |

## Street Trader Policy Consultation 2023: Summary report

This report was created on Tuesday 02 May 2023 at 15:02 and includes **4336** responses.

The activity ran from 28/03/2023 to 28/04/2023.

### Contents

|  |   |
|--|---|
| Question 1: What is your name?   | 1 |
| Name   | 1 |
| Question 2: What is your email address?  | 1 |
| Email  | 1 |
| Question 3: What is your organisation?   | 1 |
| Organisation   | 1 |
| Question 4: Do you think there is an issue with the number of street traders at the beach front?           | 1 |
| Answer   | 1 |
| Question 5: Please provide reasons for your answer above.  | 2 |
| Comments   | 2 |
| Question 6: Which of the following options, do you think is most suitable for street trading at the beach? | 2 |
| Answer   | 2 |
| Question 7: Please provide reasons for your answer above.  | 2 |
| Comments   | 2 |
| Question 8: Any other Comments?  | 2 |
| Comments   | 2 |

### Question 1: What is your name?

#### *Name*

There were **4226** responses to this part of the question.

### Question 2: What is your email address?

#### *Email*

There were **4172** responses to this part of the question.

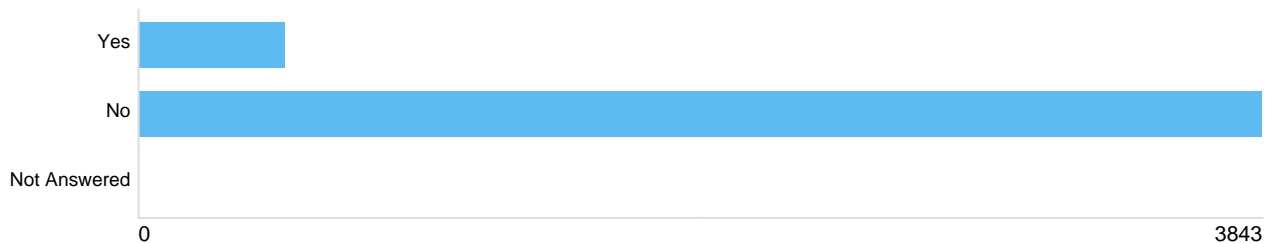
### Question 3: What is your organisation?

#### *Organisation*

There were **2192** responses to this part of the question.

### Question 4: Do you think there is an issue with the number of street traders at the beach front?

#### *Answer*



| Option       | Total | Percent |
|--------------|-------|---------|
| Yes          | 493   | 11.37%  |
| No           | 3843  | 88.63%  |
| Not Answered | 0     | 0.00%   |

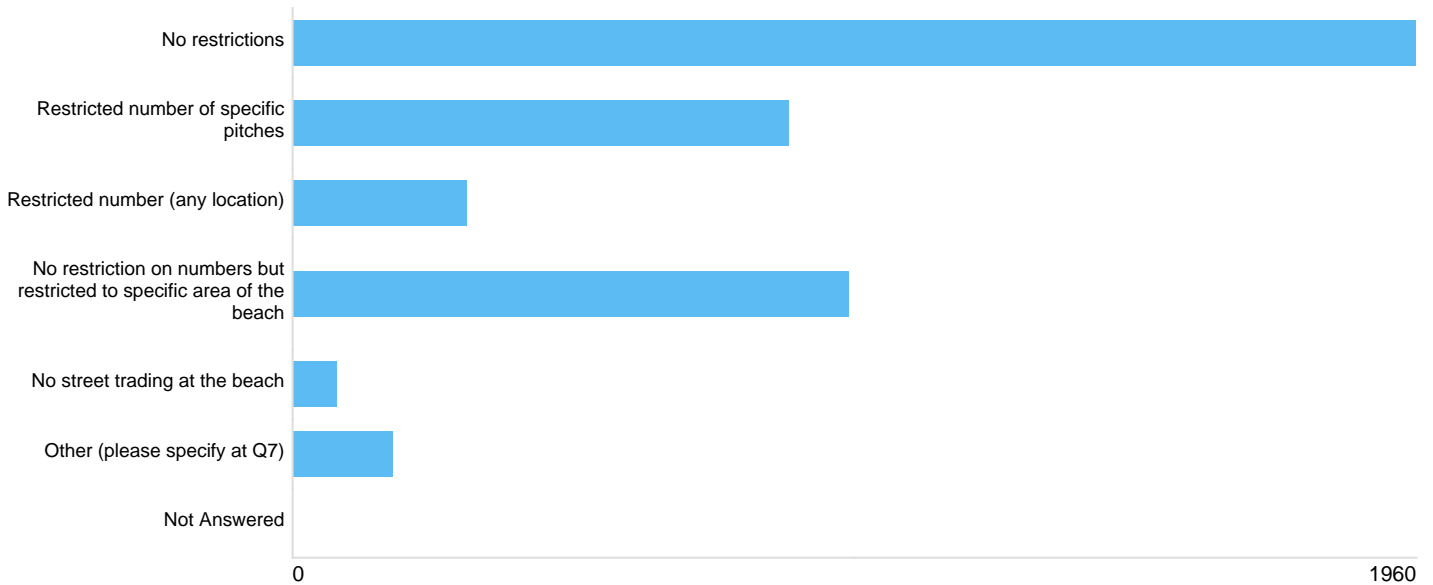
**Question 5: Please provide reasons for your answer above.**

**Comments**

There were **4336** responses to this part of the question.

**Question 6: Which of the following options, do you think is most suitable for street trading at the beach?**

**Answer**



| Option   | Total | Percent |
|--|-------|---------|
| No restrictions  | 1960  | 45.20%  |
| Restricted number of specific pitches                                  | 862   | 19.88%  |
| Restricted number (any location)                                       | 300   | 6.92%   |
| No restriction on numbers but restricted to specific area of the beach | 968   | 22.32%  |
| No street trading at the beach   | 74    | 1.71%   |
| Other (please specify at Q7)   | 172   | 3.97%   |
| Not Answered   | 0     | 0.00%   |

**Question 7: Please provide reasons for your answer above.**

**Comments**

There were **4336** responses to this part of the question.

**Question 8: Any other Comments?**

**Comments**

There were **4336** responses to this part of the question.

| <b>Application</b>                             | <b>Name of Applicant &amp; Agent</b>  | <b>Premises of which application refers</b>                 | <b>Representations received</b> | <b>Date by which application to be determined (date order)</b> | <b>Page Number</b> |
|--|---------------------------------------|---|---------------------------------|--|--------------------|
| HMO Application (Renewal)                      | Emily Stalker                         | 11 Cairnfield Place, Aberdeen                               | HMO Unit                        | 30 June 2023   | 31-32              |
| HMO Application (Renewal)                      | Wayne Ivers                           | 75 Ruthrieston Circle, Aberdeen                             | HMO Unit                        | 27 July 2023   | 33-36              |
| HMO Application (New)                          | Caitlin Grant<br>+<br>Felicity Little | 21 Sunnybank Road, Aberdeen                                 | 1 Objection                     | 11 April 2024  | 35-42              |
| Application for Grant of Street Trader Licence | Aberdam Dutch Fries                   | Beach Esplanade East Side, 240m South of Links Road (South) | Legal                           | 28 August 2023   | 43-44              |
| Variation of Street Trader Licence             | Paulies Media                         | Esplanade, East Side, 120 North of New Pier Road            | Legal                           | 16 October 2023  | 45-46              |
| Application for Grant of Street Trader Licence | Pavel Plasek                          | Beach Esplanade East Side, 100m South of Links Road (South) | Legal                           | 16 October 2023  | 47-48              |
| Application for Grant of Street Trader Licence | Moshi Moshi                           | Esplanade, East Side, 160 North of New Pier Road            | Legal                           | 29 October 2023  | 49-50              |
| Application for Grant of Street Trader Licence | Sweet Toots Cakery                    | Beach Esplanade East Side, 250m                             | Legal                           | 11 July 2023   | 51-52              |

| <b>Application</b>   | <b>Name of Applicant &amp; Agent</b> | <b>Premises of which application refers</b>   | <b>Representations received</b> | <b>Date by which application to be determined (date order)</b> | <b>Page Number</b> |
|--|--------------------------------------|---|---------------------------------|--|--------------------|
|  |                                      | South of Links Road South.  |                                 |  |                    |
| Application for Grant of Street Trader Licence             | Sarah-Claudia Wyatt                  | Beach Esplanade East Side, 130m North of New Pier Road,<br>Beach Esplanade East Side, 100m North of New Pier Road,<br>Beach Esplanade East Side, 250m North of new Pier Road. | Legal                           | 13 November 2023   | 53-54              |
| Exemption from Street Trader Policy                        | Laura Ripley                         | Union Street  | Legal                           | N/A  | 55-58              |
| Application for Grant of Skin Piercing & Tattooing Licence | Mateusz Bylicki                      | 505 Black Pearl Tattoo Studio.<br>505 George Street,<br>Aberdeen.   | Environmental Health            | 09 August 2023   | 59-60              |
| Application for Grant of Skin Piercing & Tattooing Licence | Sylwia Zareba                        | 505 Black Pearl Tattoo Studio. 505 George Street,<br>Aberdeen.  | Environmental Health            | 09 August 2023   | 61-62              |

## LICENSING COMMITTEE INFORMATION SHEET

28 June 2023

### Public Application

**TYPE OF APPLICATION:** HMO LICENCE APPLICATION (RENEWAL)

**APPLICANT:** EMILY STALKER

**ADDRESS:** 11 CAIRNFIELD PLACE, ABERDEEN

**AGENT:** NONE

#### INFORMATION NOTE

At the date of drafting this Information Note, a new HMO licence cannot be granted for the reason that the certification requirements to bring the property up to the current HMO standard has not been completed. The meeting of the Licensing Committee on 28 June 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 28 June 2023. I will advise the Committee whether the applicant has satisfactorily completed the necessary certification requirements.

#### DESCRIPTION

The property at No.11 Cairnfield Place, Aberdeen, is a ground floor flat, providing accommodation of 3 letting bedrooms, dining room and bathroom. The applicant has requested an occupancy of 3 tenants, which is acceptable in terms of space and layout.

#### CONSULTEES

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

#### OBJECTIONS/REPRESENTATIONS

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

## COMMITTEE GUIDELINES/POLICY

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

### GROUNDS FOR REFUSAL

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

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

### OTHER CONSIDERATIONS

- The applicant is registered as a landlord with this Council and his registration includes No.11 Cairnfield Place.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.11 Cairnfield Place.
- The extent of the above-mentioned certification requirements is as follows:
  - 1) The following documentation to be submitted for inspection:
    - Fire Safety Risk Assessment



## LICENSING COMMITTEE INFORMATION SHEET

28 June 2023

### Public Application

**TYPE OF APPLICATION:** HMO LICENCE APPLICATION (RENEWAL)

**APPLICANT:** WAYNE IVERS

**ADDRESS:** 75 RUTHRIESTON CIRCLE, ABERDEEN

**AGENT:** NONE

#### INFORMATION NOTE

At the date of drafting this Information Note, a new HMO licence cannot be granted for the reason that the certification requirements to bring the property up to the current HMO standard has not been completed. The meeting of the Licensing Committee on 28 June 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 28 June 2023. I will advise the Committee whether the applicant has satisfactorily completed the certification requirements.

#### DESCRIPTION

The property at No.75 Ruthrieston Circle, Aberdeen, is an upper flat, providing accommodation of 4 letting bedrooms, lounge, kitchen and bathroom. The applicant has requested an occupancy of 4 tenants, which is acceptable in terms of space and layout.

#### CONSULTEES

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

#### OBJECTIONS/REPRESENTATIONS

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

## COMMITTEE GUIDELINES/POLICY

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

### 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.75 Ruthrieston Circle.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No. 75 Ruthrieston Circle.
- The extent of the above-mentioned certification requirements is as follows:
  - 1) The following documentation to be submitted for inspection:
    - 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).

## LICENSING COMMITTEE INFORMATION SHEET

28 June 2023

### Public Application

**TYPE OF APPLICATION:** HMO LICENCE APPLICATION (NEW)

**APPLICANT:** CAITLIN GRANT

**AGENT:** FELICITY LITTLE

**ADDRESS:** 21 SUNNYBANK ROAD, 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.21 Sunnybank Road, Aberdeen, is the subject of this new HMO licence application and its accommodation comprises 4 letting bedrooms, lounge, kitchen and bathroom. The applicant wishes to accommodate a maximum of 4 tenants, which is acceptable to the HMO Unit in terms of space and layout. The location of the premises is shown on the plan attached as Appendix A.

#### CONSULTEES

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

#### REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- One objection letter from John Whyte (Attached as Appendix B)
- One letter of representation from the applicants Agent, Felicity Little (Attached as Appendix C)

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

## COMMITTEE GUIDELINES/POLICY

All applications for HMO licences are dealt with in accordance with the Scottish Government's document:

['Licensing of Houses in Multiple Occupation: Statutory Guidance for Scottish Local Authorities'](#)

## GROUNDINGS FOR REFUSAL

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

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

## OTHER CONSIDERATIONS

- The applicant is registered as a landlord with this Council and their registration includes No.21 Sunnybank Road.
- All upgrading work required by the HMO Officer, including certification, has not yet been completed.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints in respect of No.21 Sunnybank Road.
- The Council's Waste and Recycling Team have advised that the wrong bin was put out for collection multiple times last year. However, no issues have been recorded this year.
- There are currently 5 HMO licensed properties in Sunnybank Road, ie. No 15D, 26, 28F, 30B and 34D.
- The property is currently unlicensed and the application under consideration is a new application. The property was previously HMO licensed under a previous owner from September 2009 until January 2016.

- The objection mentions car parking. Members may wish to note that car parking is not a consideration of HMO Licensing it is not specifically mentioned in the Statutory Guidance.
- '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

**'A'**



[REDACTED]  
23<sup>rd</sup> April 2023  
Application for a Licence for a House in Multiple  
Occupation: Ref. HOU5507000354  
21 Sunnybank Road  
Aberdeen AB24 3NJ

I wish to lodge a complaint about the above application.

Twice in the recent past, this property has been an HMO and on both occasions there have been problems:

1. A complete failure to deal with rubbish. Bins left on the street. Bins routinely overfilled leading to litter on the street and attracting seagulls.
2. Noise - both previous HMOs were the source of noise disturbance, generally associated with drunkenness; loud behaviour & loud swearing generally late at night when people are sleeping.
3. Persistent car parking on and across the pavement

I consider that there are already too many HMOs in the neighbourhood which have a negative impact on the quality of life for permanent residents.

The Council is famous for dumping stuff like this on communities then leaving the communities to deal with the fallout.

It is now almost impossible to contact the Council to get any resolution to issues like these.

Yours faithfully  
[REDACTED]

'C'

Attn: Jocelyn Janssen  
Private Sector Housing Manager  
HMO Unit  
Private Sector Housing Unit  
Aberdeen City Council  
Marischal College  
Business Hub 11  
Second Floor West  
Broad Street  
Aberdeen AB10 1AB

Dated: 1<sup>st</sup> May 2023

Dear Jocelyn,

Re: HMO Licence [REDACTED]

We are in receipt of your letter dated 25<sup>th</sup> April 2023 regarding our application for an HMO licence.

Thank you for the invitation to the committee meeting on the 28<sup>th</sup> June, however Caitlin will be away and I will be unable to be in attendance myself. We would however welcome the chance to participate by means of Teams.

We feel we should respond to the letter of representation/objection in respect of our HMO licence application which you received.

Since Caitlin has owned the house it has not been licenced or occupied as an HMO. The residents of the house are medical students and have been resident in the property for nearly 4 years.

I will deal with the points raised in the letter one by one.

1. The complaint about rubbish is factually untrue. At times there may have been remote instances when the bins have left out longer than would be desirable, but this was on a few occasions when the students were working shifts and not on a regular basis. We are not aware of the bins being over filled and we have seen no evidence of the bins belonging to this property causing a seagull nuisance any more than any bin in the City.

In fact a number of private bins in the area are permanently on the footpath.

2. Noise – We are not and have not been aware of any excessive noise from the property. No complaints have been received from any of the neighbours in the area specifically those even nearer to the property than the complainant's residence.

Cont/d



We are also not aware of any notifications to the council in any form including environmental health regarding noise from the property. No correspondence has been received by the owner or tenants from the council regarding noise.

On the occasion that gatherings have been held these were "Pre's" and the visitors left between 10.00 and 11.00 pm to go on to clubs in the City.

We are particularly upset about the use of the word "loutish behaviour." Loutish behaviour is defined as impolite and aggressive, oafish, rough, gross, coarse and we vehemently disagree that anyone associated with the property was ever loutish to anybody let alone a local resident.

Perhaps the complainant is confusing the residents with those who have been in the Red Lion around the corner and are going home along Sunnybank Road?

3. Again we completely refute this point. There have been two cars regularly at the premises and they are parked in the driveway of the house. These cars are required due to the nature of the residents' course which requires travel to different hospitals and clinics in Aberdeenshire and further afield. No illegal parking tickets have been issued to either of the registered car owners outside the property for any reason let alone illegal parking and the cars are not parked on the pavement.

As you will know, Aberdeen, like other university towns in Scotland, has been hit not only with a shortage of suitable student accommodation but also soaring rents. It would be a shame if this property which has outdoor space, off street parking and is close to the Old College, the university library and the sports centre were not to be granted a licence.

Please let us know should you require anything further at this stage.

Kind regards



Felicity Little per Caitlin Grant

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**LICENSING COMMITTEE INFORMATION SHEET**  
**28 JUNE 2023**

**TYPE OF APPLICATION:** Grant of Street Trader Licence  
**APPLICANT:** Aberdam Dutch Fries

**INFORMATION NOTE**

Application must be determined by 28/08/2023

**DESCRIPTION**

Grant of Street Trader Licence  
Location: Beach Esplanade East Side, 240m South of Links Road (South)  
The application was deferred at the Committee meeting held on 15 March 2023 pending the review of the Street Trader Policy for the Beach Area.

**CONSULTEES**

- Police Scotland
- Environmental Health

**OBJECTIONS/REPRESENTATIONS**

- Legal
- Committee policy states that all applications for the South end of the beach area must be referred to Committee for determination.

**GROUNDS FOR REFUSAL**

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

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

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

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

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

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

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

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

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

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

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

**and otherwise shall grant the application.**

## LICENSING COMMITTEE INFORMATION SHEET

28 JUNE 2023

**TYPE OF APPLICATION:** Variation of Street Trader Licence

**APPLICANT:** Paulies Media Ltd

### INFORMATION NOTE

Application must be determined by 16/10/2023

### DESCRIPTION

Variation of Street Trader Licence

Location: Esplanade, East Side, 120 North of New Pier Road

The application was deferred at the Committee meeting held on 15 March 2023 pending the review of the Street Trader Policy for the Beach Area.

### CONSULTEES

- Police Scotland
- Environmental Health

### OBJECTIONS/REPRESENTATIONS

- Legal

Committee policy states that all applications for the South end of the beach area must be referred to Committee for determination.

### GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

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

**and otherwise shall grant the application.**

**LICENSING COMMITTEE INFORMATION SHEET**  
**28 JUNE 2023**

**TYPE OF APPLICATION:** Grant of Street Trader Licence  
**APPLICANT:** Pavel Plasek

**INFORMATION NOTE**

Application must be determined by 16/10/2023

**DESCRIPTION**

Grant of Street Trader Licence  
 Location: Beach Esplanade East Side, 100m South of Links Road (South).  
 The application was deferred at the Committee meeting held on 15 March 2023 pending the review of the Street Trader Policy for the Beach Area.

**CONSULTEES**

- Police Scotland
- Environmental Health

**OBJECTIONS/REPRESENTATIONS**

- Legal
- Committee policy states that all applications for the South end of the beach area must be referred to Committee for determination.

**GROUNDS FOR REFUSAL**

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

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

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

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

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

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(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

28 JUNE 2023

**TYPE OF APPLICATION:** Grant of Street Trader Licence

**APPLICANT:** Rennie & Daughter trading as Moshi Moshi

### INFORMATION NOTE

Application must be determined by 29/10/2023

### DESCRIPTION

Grant of Street Trader Licence

Location: Esplanade, East Side, 160 North of New Pier Road

The application was deferred at the Committee meeting held on 15 March 2023 pending the review of the Street Trader Policy for the Beach Area.

### CONSULTEES

- Police Scotland
- Environmental Health

### OBJECTIONS/REPRESENTATIONS

- Legal

Committee policy states that all applications for the South end of the beach area must be referred to Committee for determination.

### GROUNDS FOR REFUSAL

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

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

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

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

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

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(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**  
**28 JUNE 2023**

**TYPE OF APPLICATION:** Grant of Street Trader Licence  
**APPLICANT:** Sweet Toots Cakery, Danielle Smith

**INFORMATION NOTE**

Application must be determined by 11/07/2023

**DESCRIPTION**

Grant of Street Trader Licence  
Location: Beach Esplanade East Side, 250m South of Links Road South.  
The application was deferred at the Committee meeting held on 15 March 2023 pending the review of the Street Trader Policy for the Beach Area.

**CONSULTEES**

- Police Scotland
- Environmental Health

**OBJECTIONS/REPRESENTATIONS**

- Legal
- Committee policy states that all applications for the South end of the beach area must be referred to Committee for determination.

**GROUNDS FOR REFUSAL**

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

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

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

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

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

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(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

28 JUNE 2023

**TYPE OF APPLICATION:** Grant of Street Trader Licence

**APPLICANT:** Sarah-Claudia Wyatt

### INFORMATION NOTE

Application must be determined by 13/11/2023

### DESCRIPTION

Grant of Street Trader Licence

Locations:

- Beach Esplanade East Side, 130m North of New Pier Road
- Beach Esplanade East Side, 100m North of New Pier Road
- Beach Esplanade East Side, 250m North of new Pier Road.

### CONSULTEES

- Police Scotland
- Environmental Health

### OBJECTIONS/REPRESENTATIONS

- Legal

Committee policy states that all applications for the South end of the beach area must be referred to Committee for determination.

### 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;

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(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

28 JUNE 2023

Exemption from Policy – Street Trader’s Licence

Potential Applicant: - Laura Ripley

### INFORMATION NOTE

Laura Ripley is seeking an exemption from the Committee Policy that states the Licensing Committee have designated the city centre (Zone 9) as an exclusion zone for street trading. There is a presumption against street trading in Union Street or any pedestrianised area in the city centre except where a special case can be made out by the applicant or licence holder.

The Committee has before it an email from Laura Ripley indicating the grounds under which she is seeking the exemption.

Should the Committee be minded to grant the exemption Laura Ripley is aware that she will be required to submit an application for the Grant of a Street Trader’s Licence as she is not currently the holder of such a licence.

### COMMITTEE GUIDELINES/POLICY

Licensing Committee policy states The Licensing Committee have designated the city centre (Zone 9) as an exclusion zone for street trading. There is a presumption against street trading in Union Street or any pedestrianised area in the city centre except where a special case can be made out by the applicant or licence holder.

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Good afternoon

I am writing to request an exemption on a street traders license to carry out walking tours in Union Street. As part of our efforts to improve footfall in the city, we are talking with Our Union Street (copying in Bob) to develop and promote Union Street as a cultural and historical hub of the city. We are therefore looking at putting on a range of walking tours to showcase the rich history and cultural heritage of Union Street.

We understand that street trading is not allowed on Union Street. However, as our tours will not involve any physical sales or goods, and tickets will only be sold in advance online, we kindly request an exemption from this. We assure you that we will adhere to all health and safety regulations and take all necessary precautions to ensure the safety and comfort of our participants.

The tours we are proposing include: witch history tours, murder tours, and ghost tours. These tours will be conducted by knowledgeable and experienced guides who will provide an entertaining and informative experience for tourists and locals alike. We believe that these tours will not only attract visitors to Union Street but also help to promote the area and its businesses.

We believe that our walking tours will contribute positively to the cultural and historical offering of Union Street, and we hope that the council will support our request for exemption for a license.

Thank you for your time and consideration. We look forward to hearing from you soon.

Kind regards  
Laura Ripley  
59 Balquharn Circle  
Portlethen  
Aberdeen  
AB12 4AH

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**LICENSING COMMITTEE INFORMATION SHEET**

**28 JUNE 2023**

**TYPE OF APPLICATION: SKIN PIERCING AND TATTOOING LICENCE**

**APPLICANT: MATEUSZ BYLICKI**

**INFORMATION NOTE**

Application must be determined by 09/08/2023

**DESCRIPTION**

Skin Piercing and Tattooing Licence

**CONSULTEES**

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

**OBJECTIONS/REPRESENTATIONS**

Legal – Environmental Health inspection has not been carried out due to outstanding repair works at the premises. Emails were sent to applicant on 12/01/2023 and 18/05/2023 to confirm if the repair works have been completed however there have been no response from applicant to date.

**GROUNDS FOR REFUSAL**

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

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

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

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(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**

**28 JUNE 2023**

**TYPE OF APPLICATION: SKIN PIERCING AND TATTOOING LICENCE**

**APPLICANT: SYLWIA ZAREBA**

**INFORMATION NOTE**

Application must be determined by 09/08/2023

**DESCRIPTION**

Skin Piercing and Tattooing Licence

**CONSULTEES**

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

**OBJECTIONS/REPRESENTATIONS**

Legal – Environmental Health inspection has not been carried out due to outstanding repair works at the premises. Emails were sent to applicant on 12/01/2023 and 18/05/2023 to confirm if the repair works have been completed however there have been no response from applicant to date.

**GROUNDS FOR REFUSAL**

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

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

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(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

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**and otherwise shall grant the application.**

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