

# Public Document Pack



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

Town House,  
ABERDEEN 29 August 2023

## LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in the **Council Chamber - Town House** on **WEDNESDAY, 6 SEPTEMBER 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

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 28 June 2023 (Pages 5 - 14)
- 5.2. Minute of Meeting of the Licensing Sub Committee of 7 August 2023 (Pages 15 - 16)
- 5.3. Committee Business Planner (Pages 17 - 18)

## **NOTICES OF MOTION**

- 6.1. Notices of Motion

## **REFERRALS FROM COUNCIL, COMMITTEES AND SUB COMMITTEES**

- 7.1. Referrals from Council, Committees or Sub Committees

## **COMMITTEE REPORTS**

- 8.1. Low Emission Zone - Time-Limited Exemption for Taxis and Private Hire Cars - COM/23/188 (Pages 19 - 24)

## **APPLICATIONS FOR LICENCES - INCLUDING LIST OF APPLICATIONS**

- 9.1. Renewal of a Licence for a House in Multiple Occupation - 27 Powis Terrace (Pages 27 - 30)
- 9.2. Renewal of a Licence for a House in Multiple Occupation - 42 Bothwell Road (Pages 31 - 34)
- 9.3. Renewal of a Licence for a House in Multiple Occupation - 40 Bothwell Road (Pages 35 - 38)
- 9.4. Renewal of a Licence for a House in Multiple Occupation - 118 Gallowgate (Pages 39 - 42)
- 9.5. New Licence for a House in Multiple Occupation - Flat F, 20 Richmond Street (Pages 43 - 46)

- 9.6. Short Term Let Application (Existing Operator) - 78 Seamount Court (Pages 47 - 50)
- 9.7. Short Term Let Application (Existing Operator) - Flat 34 Fraser House, 9 Market Street (Pages 51 - 66)
- 9.8. Landlord Registration (Five Rental Properties) - Mian Ali (Pages 67 - 70)
- 9.9. Request for Exemption from the Wheelchair Accessible Policy and Street Knowledge Test - George Pirie (Pages 71 - 74)
- 9.10. Request for Exemption from the Wheelchair Accessible Policy - Larry Leaper (Pages 75 - 78)
- 9.11. Breach of Taxi Driver's Licence Condition - Majid Ali (Pages 79 - 82)
- 9.12. Grant of a Private Hire Car Licence - Adil Salam (Pages 83 - 84)

#### **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's Licence (Pages 87 - 90)
- 10.2. Request for Exemption from the Age of Vehicle Policy (Pages 91 - 94)
- 10.3. Notice of Complaint (Pages 95 - 106)
- 10.4. Notice of Complaint (Pages 107 - 114)

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](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)

This page is intentionally left blank

## Licensing Committee

ABERDEEN, 28 June 2023. 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 and van Sweeden.

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

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

### DECLARATIONS OF INTEREST AND TRANSPARENCY STATEMENTS

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

- (1) Councillor Malik declared an interest in relation to item 10.4 (Exemption from Policy – Age of Vehicle and Wheelchair Accessible Vehicle), by virtue of him knowing the applicant. He advised that the nature of his interest required him to leave the meeting and took no part in the Committee's deliberations thereon.
- (2) Councillor Boulton declared an interest in relation to item 10.4 (Exemption from Policy – Age of Vehicle and Wheelchair Accessible Vehicle), by virtue of her being called as a witness in Court proceedings relating to the applicant. She advised that the nature of her interest required her to leave the meeting and took no part in the Committee's deliberations thereon; and
- (3) Councillor MacGregor declared an interest in relation to item 10.4 (Exemption from Policy – Age of Vehicle and Wheelchair Accessible Vehicle), by virtue of him knowing the applicant. He advised that the nature of his interest required him to leave the meeting and took no part in the Committee's deliberations thereon.

### DEPUTATION FROM RUSSELL MCLEOD RELATING TO THE TAXI FARE REVIEW 2023

2. The Committee had before it a deputation received from Mr Russell McLeod, Rainbow Cars Limited in relation to item 8.1 (Taxi Fare Review 2023).

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

to agree that the deputation would be heard prior to consideration of the report.

### MINUTE OF PREVIOUS MEETING OF 3 MAY 2023

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

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

**Licensing Committee**

28 June 2023

to approve the minute.

**COMMITTEE BUSINESS PLANNER**

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

**The Committee resolved:-**

- (i) in relation to item 8 (Taxi Fleet Composition), to note that a report would be submitted to the meeting on 12 December 2023; and
- (ii) to otherwise note the Committee Business Planner.

**TAXI FARE REVIEW 2023 - COM/23/198**

5. The Committee received a deputation from Russell McLeod, Rainbow City Taxis.

Mr McLeod advised that his deputation related to the implementation of any taxi fare increase or change, and as a trade they were informed that there was no Council budget to arrange a venue for the forthcoming taxi tariff upgrade. He indicated that they were somewhat bemused by this as it was the Council who govern the trade and who would insist that each taxi meter was up to date and accurate. He questioned why the trade should pay for this upgrade. He intimated that the trade had managed to secure a suitable venue at a reduced cost from previous occasions. He explained that the trade had also agreed recently to defer the Demand Survey for 12 months which would have been a cost to the Council (approx. £8k to £10k) and noting that the fees for driver and taxi licenses had all increased substantially. He intimated that the trade would not want to request an audit of taxi licensing to then be told that the trade should pick up the costs instead of the Council, noting that the Council had paid for this previously, therefore he urged the Committee to agree to meet these costs.

The Committee thanked Mr McLeod for his deputation.

With reference to article 16 of the minute of the previous meeting of 3 May 2023, the Committee had before it a report by the Director of Commissioning which provided the responses to the draft fare tariff.

**The report recommended:-**

that the Committee –

- (a) approve the fare tariff at Appendix 1 of the report;
- (b) instruct 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
- (c) in the absence of an appeal to the Traffic Commissioner, instruct the Chief Officer - Governance to publish the final fare tariff to take effect as of 31 July 2023.

## **Licensing Committee**

28 June 2023

Following questions from members, Mr Sandy Munro, Legal Adviser indicated that he was not aware of any local authorities who pay for a venue in order for the taxi trade to undertake the fare tariff update, however he intimated that enquiries have been made and there may be an option to obtain the use of Lochside Academy car park to undertake this process free of charge.

**The Committee resolved:-**

to approve the recommendations.

### **STREET TRADING AT ABERDEEN BEACH CONSULTATION - COM/23/189**

6. With reference to article 13 of the minute of the meeting of 15 March 2023, the Committee had before it a report by the Director of Commissioning which provided the results of the consultation on street trading activities at Aberdeen Beach.

**The report recommended:-**

that the Committee –

- (a) consider the Consultation responses in Appendices 1 to 4; and
- (b) agree to continue to consider applications for street trading at the beachfront on a case-by-case basis.

**The Committee resolved:-**

- (i) to approve the recommendations contained within the report;
- (ii) to provide the results of the consultation exercise to the Beach Front Masterplan Team for consideration in connection with the redesign of the beach front;
- (iii) that the Chief Officer – Governance (Legal) circulate details of the number of Street Trader pitches currently at the Beach front to all members of the Committee by way of email; and
- (iv) that the Chief Officer – Governance (Legal) include responses from the Council's Roads Development Management Team within future Information Sheets.

### **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 11 CAIRNFIELD PLACE**

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

### **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 75 RUTHRIESTON CIRCLE**

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

**Licensing Committee**

28 June 2023

**NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 21 SUNNYBANK ROAD**

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

The applicant's agent, Ms Felicity Little was in attendance and spoke in support of the application and responded to questions from members of the Committee.

The respondent was not in attendance nor represented.

**The Committee resolved:-**

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

**GRANT OF A STREET TRADER LICENCE - BEACH ESPLANADE EAST SIDE, 240M SOUTH OF LINKS ROAD (SOUTH) - ABERDAM DUTCH FRIES**

10. With reference to article 14 of the minute of meeting of 15 March 2023, the Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the application required to be determined by 28 August 2023.

The applicant was not in attendance nor represented.

**Committee resolved:-**

to grant the licence.

**VARIATION OF A STREET TRADER LICENCE - ESPLANADE, EAST SIDE, 120 NORTH OF NEW PIER ROAD - PAULIES MEDIA**

11. With reference to article 15 of the minute of meeting of 15 March 2023, the Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the application required to be determined by 16 October 2023.

The Committee heard from the applicant's agent Mr Michael Stewart who spoke in support of the application.



**Licensing Committee**

28 June 2023

At this juncture, Mr Stewart also sought to vary the times of operation, however Mr Sandy Munro, Legal Adviser explained that this additional request was not included within the original application, therefore could not be considered by the Committee today and that a further application to vary the Street Trader Licence would require to be submitted.

**Committee resolved:-**

to grant the variation to the licence in respect of the location only.

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

12. With reference to article 16 of the minute of meeting of 15 March 2023, the Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the application required to be determined by 16 October 2023.

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

**The Committee resolved:-**

to grant the licence.

**GRANT OF A STREET TRADER LICENCE - ESPLANADE, EAST SIDE, 160 NORTH OF NEW PIER ROAD - MOSHI MOSHI**

13. With reference to article 17 of the minute of meeting of 15 March 2023, the Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the application required to be determined by 29 October 2023.

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

**The Committee resolved:-**

to grant the licence.

**GRANT OF A STREET TRADER LICENCE - BEACH ESPLANADE EAST SIDE, 250M SOUTH OF LINKS ROAD SOUTH - SWEET TOOTS CAKERY**

14. With reference to article 13 of the minute of meeting of 15 March 2023, the Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the application required to be determined by 11 July 2023.

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

**Licensing Committee**

28 June 2023

**The Committee resolved:-**

to grant the licence.

**GRANT OF A STREET TRADER LICENCE - 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 - SARAH-CLAUDIA WYATT**

15. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the application required to be determined by 13 November 2023.

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

**The Committee resolved:-**

to grant the licence for the site at Beach Esplanade East Side, 130m North of New Pier Road.

**EXEMPTION FROM POLICY - STREET TRADER - UNION STREET - LAURA RIPLEY**

16. The Committee had before it a request for an exemption from the Committee Policy that stated that the Licensing Committee had designated the city centre (Zone 9) as an exclusion zone for street trading, therefore there was a presumption against street trading in Union Street or any pedestrianised area in the city centre, except where a special case could be made by the applicant or licence holder.

Ms Laura Ripley was in attendance and spoke in support of the exemption request.

**The Committee resolved:-**

to approve the request for exemption from the Street Trader City Centre Policy.

**GRANT OF SKIN PIERCING AND TATTOOING LICENCE - 505 BLACK PEARL TATTOO STUDIO. 505 GEORGE STREET - MATEUSZ BYLICKI**

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

**Licensing Committee**

28 June 2023

**GRANT OF SKIN PIERCING AND TATTOOING LICENCE - 505 BLACK PEARL TATTOO STUDIO. 505 GEORGE STREET - SYLWIA ZAREBA**

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

**CONFIDENTIAL INFORMATION**

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

**RENEWAL OF A TAXI DRIVER LICENCE (AGENDA ITEM 10.1)**

19. The Committee had before it (1) an information note prepared by the interim Chief Officer – Governance (Legal); and (2) a letter from Police Scotland, c/o North East Division, dated 25 May 2023.

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

Inspector George Nixon was in attendance and spoke in support of Police Scotland's letter.

Both parties were given the opportunity to sum up.

The Vice Convener, seconded by Councillor Fairfull, moved:-

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

Councillor Boulton, seconded by Councillor Graham, moved as an amendment:-

that the Committee grant the licence.

On a division, there voted:- for the motion (3) – the Vice Convener and Councillors Clark and Fairfull; for the amendment (9) – the Convener and Councillors Boulton, Farquhar, Graham, Henrickson, MacGregor, Malik, McLeod and van Sweeden.

**The Committee resolved:-**

to adopt the amendment and to therefore grant the licence.

**Licensing Committee**

28 June 2023

**RENEWAL OF A TAXI OPERATOR LICENCE (AGENDA ITEM 10.2)**

20. The Committee had before it (1) an information note prepared by the interim Chief Officer – Governance (Legal); and (2) a letter from Police Scotland, c/o North East Division, dated 25 May 2023.

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

Inspector George Nixon was in attendance and spoke in support of Police Scotland's letter.

Both parties were given the opportunity to sum up.

**The Committee resolved:-**  
to grant the licence.

**EXEMPTION FROM POLICY - STREET KNOWLEDGE TEST (AGENDA ITEM 10.3)**

21. The Committee had before it an information sheet prepared by the Interim Chief Officer – Governance (Legal), which advised that the applicant was seeking an exemption to the 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 could be submitted.

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

**The Committee resolved:-**  
to approve the request for exemption from the Street Knowledge Test Policy.

**At this juncture, in accordance with Article 1 of this minute, Councillors Boulton, MacGregor and Malik left the meeting prior to consideration of the following item of business and Councillor Cooke joined the meeting as Councillor MacGregor's substitute.**

**EXEMPTION FROM POLICY - AGE OF VEHICLE AND WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 10.4)**

22. The Committee had before it an information sheet prepared by the Interim Chief Officer – Governance (Legal), which advised that the applicant was seeking an exemption to current Committee Policies which (1) stated that any vehicle being licensed as part of a Grant of Licence, Temporary Licence or Substitution application must be 5

**Licensing Committee**

28 June 2023

years old or less on the day the application was submitted; and (2) stated that any new grant application for a taxi must be for a Wheelchair Accessible Vehicle

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

**The Committee resolved:-**

to approve the request for exemption from the Age of Vehicle and Wheelchair Accessible Vehicle Policies.

**EXEMPTION FROM POLICY - AGE OF VEHICLE (AGENDA ITEM 10.5)**

**23.** With reference to article 21 of the minute of the previous meeting of 3 May 2023, the Committee had before it an information sheet prepared by the Interim Chief Officer – Governance (Legal), 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 was submitted.

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

**The Committee resolved:-**

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

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

This page is intentionally left blank

## Licensing Sub Committee

ABERDEEN, 7 August 2023. Minute of Meeting of the LICENSING SUB COMMITTEE. Present:- Councillor Al-Samarai, Convener; and Councillors Boulton, Delaney, Henrickson (as substitute for Councillor van Sweeden) and MacGregor.

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

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

### DECLARATIONS OF INTEREST AND TRANSPARENCY STATEMENTS

1. There were no declarations of interest intimated.

### OFFSHORE EUROPE 2023 - TAXI ZONE RELAXATION

2. The Sub Committee had before it an Information Note which (1) provided details in relation to current licensing policy which required the operation of two zones for licensed taxis; (2) made reference to a request which had been received to suspend the zoning policy (in terms of airport zoned vehicles operating in the city) for the duration of the Offshore Europe event in line with previous years, noting that the event would take place from 4 September 2023 to 8 September 2023; (3) sought for the policy to be suspended until midnight on 8 September; and (4) indicated that members of the taxi trade had been consulted on the proposal and their comments were appended to the Information Note.

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

to approve the suspension of the current licensing policy from 4 September 2023 until midnight on 8 September 2023:-

- all Airport Taxis able to pick up from the rank located at P&J Live; and
- if there are members of the public waiting at City Centre Taxi Ranks then Airport Licenced Taxis are permitted to pick up (in addition to the usual midnight – 5am Saturday & Sunday).

- **COUNCILLOR GILL AL-SAMARAIL, Convener**

This page is intentionally left blank



	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	<b>Report Title</b>	<b>Minute Reference/Committee Decision or Purpose of Report</b>	<b>Update</b>	<b>Report Author</b>	<b>Chief Officer</b>	<b>Directorate</b>	<b>Terms of Reference Number</b>	<b>Delayed or Recommended for removal or transfer, enter either D, R, or T</b>	<b>Explanation if delayed, removed or transferred</b>
3			<b>6 September 2023</b>						
4	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	<b>D</b>	Officers are still working on finding viable options for training providers. It is hoped that a report would be submitted to the next meeting in December.
5	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		
6			<b>12 December 2023</b>						
7	Annual Committee Effectiveness Report	To present the Annual Committee Effectiveness Report		Mark Masson	Governance	Commissioning	GD 8.5		
8	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		
9	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		
10			<b>2024/TBC</b>						

	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	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		
11									

## ABERDEEN CITY COUNCIL

<b>COMMITTEE</b>	Licensing
<b>DATE</b>	6th September 2023
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Low Emission Zone – Time-Limited Exemption for Taxis and Private Hire Cars
<b>REPORT NUMBER</b>	COM/23/188
<b>DIRECTOR</b>	Gale Beattie
<b>CHIEF OFFICER</b>	David Dunne
<b>REPORT AUTHOR</b>	Will Hekelaar
<b>TERMS OF REFERENCE</b>	17.3

### 1. PURPOSE OF REPORT

- 1.1 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).

### 2. RECOMMENDATION(S)

That Committee:

- 2.1 Note the time-limited exemption from the LEZ granted to taxis and PHCs;
- 2.2 Instruct the Interim Chief Officer – Governance (Legal) to communicate this decision to taxi and PHC operators;
- 2.3 Instruct the Chief Officer – Strategic Place Planning to report back to the Licensing Committee in June 2024 on the impacts of Glasgow’s time-limited exemption for taxi operators.

### 3. CURRENT SITUATION

- 3.1 Aberdeen City Council (ACC) declared a LEZ in the City Centre on 30<sup>th</sup> May 2022. Members [agreed](#) a two-year grace period for all vehicles (during which no enforcement would take place), meaning enforcement commences on 1<sup>st</sup> June 2024.
- 3.2 Legislation governing LEZs was established in the [Transport \(Scotland\) Act 2019](#). The Act does not allow local authorities to issue permanent exemptions from LEZs (aside from those determined nationally) but they can grant local ‘time limited’ exemptions for certain vehicles and vehicle types by reference to the vehicle’s use. Such exemptions can last for a maximum of one year and can be accompanied by any conditions or restrictions that the local authority deems appropriate. Although exemptions can be renewed, an exemption

should not be a means by which vehicle or fleet owners avoid LEZ obligations indefinitely. The process agreed with Transport Scotland for the consideration of exemptions was that applications would be reviewed by the local LEZ Delivery Group (made up of representatives of ACC, Aberdeenshire Council, Nestrans and NHS Grampian) and a recommendation made to the Chief Officer – Strategic Place Planning who would have ultimate delegated responsibility for approving or rejecting applications.

- 3.3 Officers have engaged with taxi and PHC operators throughout the LEZ development and formalisation process. As well as formal consultation periods and the statutory objection period, this has included Officers attending meetings of the Taxi and PHC Consultation Group, and participating in a webinar aimed at the trade to discuss Aberdeen's proposals and raise awareness of support funding available. During this time, no feedback was received that suggested taxi and PHC drivers would struggle to comply with the LEZ. Annual funding has been made available from Transport Scotland to support individuals and businesses with the cost of LEZ compliance. 2023/24 funding has recently become available and includes grants specifically for taxis covering up to 70% of the costs of retrofit (up to £6,000 per wheelchair accessible taxi installing retrofit exhaust after-treatment systems, and up to £12,000 per wheelchair accessible taxi installing re-powering technology). Disposal grants for non-compliant vehicles are also available.
- 3.4 Following a drop in trade during the COVID-19 pandemic, many drivers left the business, resulting in a shortage of taxis in Aberdeen. Restricting taxi numbers in the city centre further via the LEZ may exacerbate this shortage, with potential negative impacts on the city centre economy (particularly the night-time economy) and the ability of those enjoying the night time economy to travel home safely. Feedback from some drivers is that they cannot afford to upgrade their vehicles in time to comply with the LEZ, with the COVID impacts compounded by the current cost of living crisis. A time-limited exemption will support recovery of the industry and enable more time for LEZ compliance. At present, approximately 189 taxis (32% of the local fleet) and 19 PHCs (8%) do not meet LEZ standards.
- 3.5 In approving the exemption, the Chief Officer – Strategic Place Planning, in consultation with the Convenor of the Licensing Committee, has made it clear that, given the time and funding support that has already been available to enable compliance with the LEZ, the exemption will only apply for one year and drivers are expected to use this additional time to ensure vehicles are fully compliant by 1<sup>st</sup> June 2025.
- 3.6 The proposed approach is similar to that pursued by Glasgow City Council, who commenced LEZ enforcement on 1st June 2023, but who have opened applications for additional time-limited exemptions to taxi operators under strict conditions. A time-limited exemption for non-compliant taxis was agreed by Glasgow City Council's City Administration Committee last year, and allows extra time for compliance for operators who do not yet meet the zone's requirements. Taxi operators with vehicles that won't comply with Glasgow's LEZ are able to apply for the temporary exemption and show they either do not have access to a funded retrofit solution or that they have applied for or

submitted an expression of interest in securing retrofit funding, but are waiting for the necessary upgrades to be undertaken. Granting temporary exemptions to give more time to achieve compliance is considered by Glasgow City Council a practical way to support the taxi sector, recognising that for some taxis retrofit is not an option or there can be delays to retrofit work being undertaken.

#### 4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications to the Council arising from this report. Taxi and PHC operators deal directly with Transport Scotland for the vehicle retrofit and conversion grant scheme. The initial financial modelling for the scheme assumed all taxis and PHCs entering the LEZ on a regular basis would be compliant, so granting the exemption will not change either the LEZ operating costs or the anticipated level of Penalty Charge Notices.

#### 5. LEGAL IMPLICATIONS

5.1 The ability to issue time-limited LEZ exemptions was granted to local authorities in the [Transport \(Scotland\) Act 2019](#) with further detail provided in Transport Scotland's [Low Emission Zone Guidance](#). ACC's approach complies with this legislation and guidance.

#### 6. ENVIRONMENTAL IMPLICATIONS

6.1 The air quality benefits of the LEZ will reduce in proportion to the volume of exemptions granted. However, SEPA (the Scottish Environment Protection Agency), who undertake emissions modelling and analysis of the LEZ, have advised that the impacts of this particular exemption will be minimal.

#### 7. RISK

7.1 The assessment of risk contained within the table below is considered to be consistent with the Council's Risk Appetite Statement.

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H)  *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
<b>Strategic Risk</b>	There are risks inherent in exempting vehicles from the LEZ in terms of undermining the air quality benefits.	Ensure that taxi and PHC drivers are aware that the exemption only lasts for a	M	Yes

	There are risks around a further reduction in taxi and PHC numbers if these are not exempt from the LEZ which will impact on the Council's ability to deliver a safe and secure transport system.	maximum of one year and is unlikely to be renewed.		
<b>Compliance</b>	No risks identified.	N/A	N/A	N/A
<b>Operational</b>	No risks identified.	N/A	N/A	N/A
<b>Financial</b>	No risks identified.	N/A	N/A	N/A
<b>Reputational</b>	<p>There are reputational risks associated with the granting of LEZ exemptions should the Council be seen as undermining the LEZ and our duties to improve city centre air quality in the quickest time possible.</p> <p>At the same time, there are risks around the LEZ being seen as too stringent and a barrier to safe travel, especially for vulnerable people.</p> <p>Such an exemption risks raising expectations that further exemptions will be granted, potentially encouraging more applications.</p> <p>There are risks of deteriorating relationships with other transport providers who have not been granted additional time to comply with the LEZ.</p>	<p>Ensure that taxi and PHC drivers are aware that the exemption only lasts for a maximum of one year and is unlikely to be renewed.</p> <p>Continue to review applications for LEZ exemptions on a fair and consistent basis.</p>	M	Yes
<b>Environment / Climate</b>	Any exemption compromises the objectives of the LEZ to improve city centre air quality in the quickest time possible.	Ensure that taxi and PHC drivers are aware that the exemption only lasts for a maximum of one	M	Yes

		year and is unlikely to be renewed.		
--	--	-------------------------------------	--	--

## 8. OUTCOMES

<b><u>COUNCIL DELIVERY PLAN 2023-2024</u></b>	
	<b>Impact of Report</b>
<b>Aberdeen City Council Policy Statement</b>  <u><a href="#">Working in Partnership for Aberdeen</a></u>	The proposals within this report support the delivery of many of the safety aspirations articulated in the policy statement, for example: <i>Aberdeen City is a welcoming, peaceful and safe place to live, work and visit.</i>
<b>Regional and City Strategies</b>	The proposals within this report will have mixed impacts on the Regional and Local Transport Strategies in that they support safety aims and objectives, but potentially conflict with objectives around reducing emissions and improving air quality.

## 9. IMPACT ASSESSMENTS

<b>Assessment</b>	<b>Outcome</b>
<b>Integrated Impact Assessment</b>	Stage 1 Assessment complete.
<b>Data Protection Impact Assessment</b>	Not required.
<b>Other</b>	None

## 10. BACKGROUND PAPERS

10.1 None

## 11. APPENDICES

11.1 None

## 12. REPORT AUTHOR CONTACT DETAILS

<b>Name</b>	Will Hekelaar
<b>Title</b>	Senior Engineer (Transport Strategy and Programmes)
<b>Email Address</b>	WHekelaar@aberdeencity.gov.uk
<b>Tel</b>	01224 069599





<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)	Peter Reaney + Stonehouse Lettings	27 Powis Terrace, Aberdeen	HMO UNIT	04 October 2023	27-30
HMO Application (Renewal)	Gordon Investments Limited + Stonehouse Lettings	42 Bothwell Road, Aberdeen	HMO UNIT	12 October 2023	31-34
HMO Application (Renewal)	Gordon Investments Limited + Stonehouse Lettings	40 Bothwell Road, Aberdeen	HMO UNIT	12 October 2023	35-38
HMO Application (Renewal)	Alistair Black + Winchesters Lettings	118 Gallowgate, Aberdeen	HMO UNIT	13 October 2023	39-42
HMO Application (New)	Pantone300 Properties Limited + Winchesters Lettings	Flat F, 20 Richmond Street, Aberdeen	HMO UNIT	13 October 2023	43-46

<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>
Short Term Let Application (Existing Operator)	Hasan Mani	78 Seamount Court, Aberdeen	Private Sector Housing Team	13 November 2023	47-50
Short Term Let Application (Existing Operator)	Mercy Olatunbosun Brown	Flat 34 Fraser House, 9 Market Street	3 Objections	17 May 2024	51-66
Landlord Registration	Mian Ali	5 Rental properties – certificates not supplied following requests	Private Sector Housing Team	N/A	67-70
Exemption from WAV Policy and Street Knowledge Test	George Kenneth Kerr Pirie	N/A	Legal	N/A	71-74
Exemption from WAV policy	Larry Leaper	N/A	Legal	N/A	75-78
Breach of Taxi Driver's Licence Condition	Majid Ali	N/A	Legal	N/A	79-82
Grant of a Private Hire Car Licence	Adil Salam	N/A	Legal	N/A	83-84

## LICENSING COMMITTEE INFORMATION SHEET

06 September 2023

### Public Application

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

**APPLICANT:** PETER REANEY

**ADDRESS:** 27 POWIS TERRACE, ABERDEEN

**AGENT:** STONEHOUSE LETTINGS

### INFORMATION NOTE

At the date of drafting this Information Note, a new HMO licence cannot be granted for the reason that the certification and work requirements to bring the property up to the current HMO standard have not been completed. The meeting of the Licensing Committee on 06 September 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 06 September 2023. I will advise the Committee whether the applicant has satisfactorily completed the necessary work and certification requirements.

### DESCRIPTION

The property at No.27 Powis Terrace, Aberdeen, is a 2 Storey, mid-terraced property, providing accommodation of 4 letting bedrooms, kitchen, utility room, lounge, shower room 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 the registration includes No.27 Powis Terrace, Aberdeen.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.27 Powis Terrace, Aberdeen.
- The extent of the above-mentioned certification requirements is as follows:
  - 1) All self-closing doors must be capable of closing fully against their stops from all angles of swing. In this regard the bedrooms 1 & 2 doors are to be adjusted to latch correctly. The lounge door latch is to either be repaired or renewed and the door checked for correct operation.
  - 2) The rear exit door is to be eased for correct operation, as discussed on site.
  - 3) There is evidence of mould growth to the bathroom ceiling; 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.

- 4) Make good the hole to the ground floor hallway wall and decorate accordingly.
- 5) The following documentation to be submitted for inspection:
  - Notice of HMO Application - Certificate of Compliance – Online HMO application confirmation required.
  - Itemised Portable Appliance Testing (PAT) Certificates, for all electrical appliances provided by the owner (annually).

This page is intentionally left blank

## LICENSING COMMITTEE INFORMATION SHEET

06 September 2023

### Public Application

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

**APPLICANT:** GORDON INVESTMENTS LIMITED

**ADDRESS:** 42 BOTHWELL ROAD, ABERDEEN

**AGENT:** STONEHOUSE LETTINGS

### INFORMATION NOTE

At the date of drafting this Information Note, a new HMO licence cannot be granted for the reason that the certification and work requirements to bring the property up to the current HMO standard have not been completed. The meeting of the Licensing Committee on 06 September 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 06 September 2023. I will advise the Committee whether the applicant has satisfactorily completed the necessary work and certification requirements.

### DESCRIPTION

The property at No.42 Bothwell Road, Aberdeen, is a mid-terraced, 3 Storey townhouse, providing accommodation of 4 letting bedrooms, dining kitchen, utility room, lounge, cloak room, bedroom en-suite 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 the registration includes No.42 Bothwell Road, Aberdeen.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.42 Bothwell Road, Aberdeen.
- The extent of the above-mentioned certification requirements is as follows:
  - 1) All faulty/missing light bulbs must be immediately replaced. In this regard a light shade is to be fitted where there are bare light bulbs.
  - 2) All self-closing doors must be capable of closing fully against their stops from all angles of swing. In this regard the lounge and bedroom 2 door (including keeper) are to be adjusted to latch correctly.
  - 3) The loose handles located on the lounge patio doors are to be securely re-fixed to the door.
  - 4) Make good the flooring located in the bathroom and bedroom 2 en-suite, as discussed on site.



- 5) Supply a wardrobe for bedroom 4.
- 6) The following documentation to be submitted for inspection:
  - Notice of HMO Application - Certificate of Compliance – Online HMO application confirmation required.
  - Electrical Installation Condition Report, which meets the requirements of BS 7671. Page 6 of the report is missing.

This page is intentionally left blank

## LICENSING COMMITTEE INFORMATION SHEET

**06 September 2023**

### Public Application

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

**APPLICANT:** GORDON INVESTMENTS LIMITED

**ADDRESS:** 40 BOTHWELL ROAD, ABERDEEN

**AGENT:** STONEHOUSE LETTINGS

#### INFORMATION NOTE

At the date of drafting this Information Note, a new HMO licence cannot be granted for the reason that the certification and work requirements to bring the property up to the current HMO standard have not been completed. The meeting of the Licensing Committee on 06 September 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 06 September 2023. I will advise the Committee whether the applicant has satisfactorily completed the necessary work and certification requirements.

#### DESCRIPTION

The property at No.40 Bothwell Road, Aberdeen, is a mid-terraced, 3 Storey townhouse, providing accommodation of 4 letting bedrooms, dining kitchen, utility room, lounge, cloak room, bedroom en-suite 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 the registration includes No.40 Bothwell Road, Aberdeen.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.40 Bothwell Road, Aberdeen.
- The extent of the above-mentioned 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 is to be fitted to the wall.
  - 2) All self-closing doors must be capable of closing fully against their stops from all angles of swing. In this regard the kitchen and bedrooms 1 & 3 doors are to be adjusted to latch correctly.
  - 3) The faulty tubular latch located on the lounge door is either to be repaired or replaced.

- 4) The following documentation to be submitted for inspection:
- Notice of HMO Application - Certificate of Compliance – Online HMO application confirmation required.
  - Electrical Installation Condition Report, which meets the requirements of BS 7671 - Re-test date required.

This page is intentionally left blank

## LICENSING COMMITTEE INFORMATION SHEET

06 September 2023

### Public Application

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

**APPLICANT:** ALISTAIR BLACK

**ADDRESS:** 118 GALLOWGATE, 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 certification and work requirements to bring the property up to the current HMO standard have not been completed. The meeting of the Licensing Committee on 06 September 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 06 September 2023. I will advise the Committee whether the applicant has satisfactorily completed the necessary work and certification requirements.

### DESCRIPTION

The property at No.118 Gallowgate, Aberdeen, is a flatted property on two floors, providing accommodation of 4 letting bedrooms, open plan kitchen/lounge and shower room. 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 the registration includes No. 118 Gallowgate, Aberdeen.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No. 118 Gallowgate, Aberdeen.
- The extent of the above-mentioned certification requirements is as follows:
  - 1) The bathroom downlight is to be re-fitted to the ceiling, as discussed on site.
  - 2) All self-closing doors must be capable of closing fully against their stops from all angles of swing. In this regard the bedroom 3 door is to be adjusted to latch correctly.
  - 3) The faulty/missing latches located on the bedroom 2 & 4 doors are to be renewed and the doors check for correct operation.
  - 4) A window in each room must be capable of being easily opened for ventilation. In this regard the bathroom window is to be eased to operate correctly and keys supplied for the window handles, the bedroom 1 pivot window is then to be checked for correct operation.



- 5) There appears to be mould growth above the bedroom 2 window; 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.
- 6) The following documentation to be submitted for inspection:
  - Notice of HMO Application - Certificate of Compliance – Online HMO application confirmation required.
  - Electrical Installation Condition Report, which meets the requirements of BS 7671 - Re-test date required.
  - Gas Safety Certificate, detailing all gas appliances and carbon monoxide detectors (annually).
  - Itemised Portable Appliance Testing (PAT) Certificates, for all electrical appliances provided by the owner (annually).
  - Private Residential Tenancy Agreement, an anti- social behaviour clause must be detailed.

This page is intentionally left blank

**LICENSING COMMITTEE INFORMATION SHEET**

**06 September 2023**

**Public Application**

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

**APPLICANT:** PANTONE300 PROPERTIES LIMITED

**ADDRESS:** FLAT F, 20 RICHMOND STREET, 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 certification and work requirements to bring the property up to the current HMO standard have not been completed. The meeting of the Licensing Committee on 06 September 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 06 September 2023. I will advise the Committee whether the applicant has satisfactorily completed the necessary work and certification requirements.

**DESCRIPTION**

The property at Flat F, 20 Richmond Street, Aberdeen, is a 3rd floor flat, providing accommodation of 3 letting bedrooms, kitchen, lounge, 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'](#)

### 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 the registration includes Flat F, 20 Richmond Street, Aberdeen.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of Flat F, 20 Richmond Street, Aberdeen.
- The extent of the above-mentioned certification requirements is as follows:
  - 1) An IP44 Rated light fitting must be installed to the bathroom/shower rooms if deemed by the current IEE Regulations BS 7671.
  - 2) All faulty/missing light bulbs must be immediately replaced. In this regard ensure the lighting point in bedroom 1 provides enough illumination for that specific room.
  - 3) The number of electrical sockets must meet the following minimum Standard: 6 in the kitchen – 6 in the bedrooms – 6 in the living room – 4 Additional sockets elsewhere in the premises. In this regard ensure that the required number of sockets in each room is readily accessible.

- 4) All self-closing doors must be capable of closing fully against their stops from all angles of swing. In this regard the bedroom 1 and kitchen door are to be adjusted to latch correctly.
- 5) A window in each room must be capable of being easily opened for ventilation. In this regard the lounge & bedroom 3 tilt and turn windows are to be adjusted to operate correctly.
- 6) The room currently being used as forth bedroom must be returned to a lounge area, as previously discussed.
- 7) The following documentation to be submitted for inspection:
  - Notice of HMO Application - Certificate of Compliance – Online HMO application confirmation required.
  - Electrical Installation Condition Report, which meets the requirements of BS 7671 - Re-test date required.
  - Itemised Portable Appliance Testing (PAT) Certificates, for all electrical appliances provided by the owner (annually).
  - Private Residential Tenancy Agreement, an anti- social behaviour clause must be detailed.

This page is intentionally left blank

## LICENSING COMMITTEE INFORMATION SHEET

06 September 2023

### Public Application

**TYPE OF APPLICATION:** SHORT TERM LET LICENCE APPLICATION

EXISTING HOST-SECONDARY LETTING

**APPLICANT:** HASAN MANI

**PROPERTY MANAGER:** HASAN MANI

**PROPERTY ADDRESS:** 78 SEAMOUNT COURT, ABERDEEN

### INFORMATION NOTE

- Application Submitted 14/11/2022
- Determination Date 13/11/2023

At the date of drafting this Information Note, a new Short Term Let licence cannot be granted for the reasons that:

- 1) The certification requirements to bring the property up to the current Short Term Let standard have not been completed.
- 2) It has not been confirmed if a public Notice of Short Term Let Application was displayed outside the building for the 21-day statutory period, alerting the general public to the Short Term Let licence application.

The meeting of the Licensing Committee on 06 September 2023, is the last meeting before the one-year statutory deadline for determining this Short Term Let licence application. If Committee are minded to refuse the application, they must do so at the meeting on 06 September 2023. I will advise the Committee whether the applicant has satisfactorily completed the certification requirements.

### DESCRIPTION

The property at No.78 Seamount Court, Aberdeen, is a flat, providing accommodation of 2 bedrooms, lounge, kitchen and bathroom. The applicant has requested an occupancy of 2 guests, which is acceptable in terms of space and layout.

### CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- Aberdeen City Council's Planning Team

## OBJECTIONS/REPRESENTATIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- Aberdeen City Council's Planning Team – no objections

## COMMITTEE GUIDELINES/POLICY

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

[Short term lets - licensing scheme part 2: supplementary guidance for licensing authorities, letting agencies and platforms](#)

## GROUNDS FOR REFUSAL

This application is being dealt with under the provisions of '[Civic Government \(Scotland\) Act 1982 \(Licensing of Short Term Lets\) Order 2022](#)' (the 2022 Order)

Available [grounds of refusal](#) are as follows:

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 under section 7(6) of this Act, 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;





## OTHER CONSIDERATIONS

- Landlord Registration is not a requirement of Short Term Let licensing.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no records of any complaints of anti-social behaviour involving the guests of No. 78 Seamount Court.
- The property is currently unlicensed. However as the applicant was an existing operator before 01 October 2022, the property is currently operating as a Short Term Let until the Licence application is determined.
- The extent of the above-mentioned certification requirements are as follows:
  - 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).
    - Energy Performance Certificate (EPC)
    - Notice of Short Term Let Application – Certificate of Compliance

This page is intentionally left blank

## LICENSING COMMITTEE INFORMATION SHEET

06 September 2023

### Public Application

**TYPE OF APPLICATION:** SHORT TERM LET LICENCE APPLICATION  
EXISTING HOST-SECONDARY LETTING

**APPLICANT:** MERCY BROWN

**PROPERTY MANAGER:** MERCY BROWN

**ADDRESS:** FLAT 34 FRASER HOUSE, 9 MARKET STREET, ABERDEEN

### INFORMATION NOTE

- Application Submitted 18/05/2023
- Determination Date 17/05/2024

This Short Term Let licence application is on the agenda of the Licensing Committee for the reason that 3 representations/objections were submitted to the Private Sector Housing Team.

If, after consideration of the representations/objections, the Committee is minded to grant the Short Term Let licence, it may do so since at the time of drafting this report, the necessary upgrading works and certification have been completed.

### DESCRIPTION

The property at Flat 34 Fraser House, 9 Market Street, Aberdeen, is the subject of this new Short Term Let licence application and its accommodation comprises 1 bedroom, lounge, kitchen and bathroom. The applicant wishes to accommodate a maximum of 2 guests, which is acceptable 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
- Aberdeen City Council's Planning Team
- A public Notice of Short Term Let Application was displayed outside the building, alerting the public to the licence application.

### REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- Aberdeen City Council's Planning Team – no objections
- One objection email from Aik Shieng Ting (Attached as Appendix B)
- One objection email from Lewis McArthur (Attached as Appendix C)

- One objection email from Graham Barclay (Attached as Appendix D)
- Letter of representation from the applicant Mercy Brown (Attached as Appendix E)

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

## COMMITTEE GUIDELINES/POLICY

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

[Short term lets - licensing scheme part 2: supplementary guidance for licensing authorities, letting agencies and platforms](#)

## GROUNDS FOR REFUSAL

This application is being dealt with under the provisions of '[Civic Government \(Scotland\) Act 1982 \(Licensing of Short Term Lets\) Order 2022](#)' (the 2022 Order)

Available [grounds of refusal](#) are as follows:

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 under section 7(6) of this Act, 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;

## OTHER CONSIDERATIONS

- Landlord Registration is not a requirement of Short Term Let licensing.
- All upgrading work required by the Private Sector Housing Officer, including certification, has been completed.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints in respect of Flat 34 Fraser House, 9 Market Street, Aberdeen.
- There are no Granted Short Term Let licenses on Market Street.
- The property is currently unlicensed. However as the applicant was an existing operator before 01 October 2022, the property is currently operating as a Short Term Let until the Licence application is determined.
- Information within the Deed of Conditions is not a ground for refusing a Short Term Let licence within the legislation. Licensing cannot be used to enforce other legal issues and that would have to be enforced via other means.
- One of the objections mentions the Notice of Display. The Notice was initially displayed on 02 June 2023. The Notice was de-faced and the Private Sector Housing Officer requested the applicant re-display a new Notice and extend the period of display, which the applicant complied with. The Notice was removed correctly by the applicant on 2nd July 2023. An Officer verified the Notice of Display was displayed. The legislation only requires the Notice to be displayed "on or near" the premises.
- The objection within Appendix C, mentions additional material. If Committee is minded to view the documentation it can be circulated.
- A lockbox/key box is not a requirement of a Short Term Let licence. Permission from owners within the building is a requirement before installation of a lockbox/key box within a communal area.

'A'



# 'B'

**From:** Jason Ting  
**Sent:** Friday, June 9, 2023 3:57 PM  
**To:** ShortTermLets <ShortTermLets@aberdeencity.gov.uk>  
**Subject:** Objection to Licence Number AC21478P

Good afternoon,

I want to object to the Short Term Let Licence No: AC21478P. Address as follows:

Flat 34, Fraser House  
9, Market Street  
Aberdeen  
AB11 5PD

The objection is based on a number of factors within the building and I also refer to the "Deed of Conditions" as attached and listed here:

5.1

Each proprietor shall use and occupy his Unit predominantly as a private dwellinghouse and not sub-divide it.

5.8

The Units shall not be occupied or used in any manner or form or for any purpose which may be an injury to the amenity of the neighbourhood or a nuisance to nearby Proprietors, tenants and others.

Based on many issues we have dealt with as owners/residents, the "Deed of Conditions", highlighted above under section 5.8 clearly do not align with the issues & further potential issues that can be created by "Short Term Letting" within this building. Based on this alone, I do not understand why "Short Term Lets" would qualify to be acceptable in a building such as this. There is no CCTV (I have requested this often) or concierge/policing of the building whatsoever in here. There have been parties and sex work linked to "Short Term Lets" also, which again is against the rules clearly stipulated by Airbnb on the following link under "Illegal & Prohibited Activities":

<https://www.airbnb.co.uk/help/article/3064#:~:text=Incall%20commercial%20sex%20work%3A%20A,or%20offer%20paid%20sexual%20services.>

Incall commercial sex work: A stay, experience or its surrounding property should not be used for paid sexual services, such as erotic massages or prostitution.

Procuring sex work: Guests should not request and Hosts should not promote or offer paid sexual services.

I can personally confirm I have witnessed what is highly likely sex work linked to this property and this has been reported to police. My partner & 15 year old daughter witnessed this also. Men hang around the main entrance door on the street and women come down and let them in. Considering I've seen the same women come down on multiple occasions to let various men in, it is highly likely linked to this activity. If we had CCTV in the building, this would be very clearly proven, and other residents have clearly witnessed these events also. Although I do not frown upon the sex work industry as a whole, this building via "Short Term Lets" should not be used and normalised for this behaviour, especially due to the shared entrances/spaces & communal areas within the building. This happening in front of my daughter and the fact there are other children in this building make the use of properties for these activities even more unacceptable.

I have spoken with the host of the property in person on many occasions and have advised this is not personal, but unless there is a major shift in policies and security within the building, I cannot condone the use of "Short Term Lets" within this building. The stress and anxiety that has been caused by certain parties, guests and the inappropriate usage of the properties have caused a great deal of distress to myself and other residents.

The above reasons are why I have to object to licence number AC21478P. I hope this is in order and that my signature below makes this official. If not, please contact me as soon as possible so that I can amend any of this accordingly.

Signed:

Aik Shieng Ting



Lewis McArthur

9th June 2023

Aberdeen City Council  
Marischal College  
Aberdeen  
AB10 1AB

Relevant Property

Flat 34, Fraser House, 9 Market Street, Aberdeen, AB11 5PD.  
MERCY OLATUNBOSUN Brown  
Licence Number: AC21478P  
Application Reference: HSTL516921478  
[Herein referred to as applicant]

To whom it may concern,

I am writing in relation to the above application reference to formally object to the Application for a Licence for a Short Term Let. Below you will find the justifications for my objections, but should you require further information on any of the points, please do not hesitate to contact me.

Damage to Exterior Property and Risk to Safety of Residents – Lockboxes and Emergency Doors

Fraser House is plagued by numerous short term let businesses, which resulted in approximately five or six lockboxes being installed on the building's exterior (front door, direct street access to Market Street with minimal security measures in place). The property manager, JAMES GIBB, sent communications (please see "ATTACHMENT 01 – JAMES GIBB EMAIL") via email (dated 3rd August 2022) to all property owners advising that lockboxes were not permitted on the grounds of appearance and the significant security risk these present.

On 14th December 2022, my neighbour (details available on request) and I encountered the applicant installing a lockbox to the exterior of the property (shown in attachment "01-LOCKBOX") in direct contravention with the property managers' strict guidance. It was at this time, the aforementioned neighbour and I attempted to raise this with the applicant. We also explained that the applicant did not ask or receive majority approval from Fraser House residents for this change to a shared part of the building. The applicant became aggressive and refused to acknowledge any wrongdoing, stating that she could do what she wanted to the exterior of the building since she owned a property.

As seen in attachment "01-JAMES GIBB EMAIL", clients of the applicant are also frequently exiting through the clearly marked emergency exit. Despite reminders, it is impossible for the applicant to enforce this as a policy. There are obvious risks to security, whereby any non-resident can enter the building this way. There is the additional risk of invalidating the buildings insurance policy, which could in turn result in significant costs to the residents of Fraser House.

The requirement to have a lockbox while hosting short-term lets presents a significant security risk to all residents of Fraser House, and any damages caused to the building does incur costs to all residents.

#### Violation of Title Deed Conditions – Private Dwellinghouse

Please see attachment "02 – TITLE DEEDS" and refer to section 5.1, "Each Proprietor shall use and occupy his Unit predominantly as a private dwellinghouse and shall not sub-divide it." Using the unit as a short-term let business is in direct contravention of this section, as due to the very nature of the business the owner is incapable of using it as a private dwellinghouse.

#### Violation of Title Deed Conditions – Nuisance to Proprietors and Short Term Let Client

##### Issues

Please see attachment "02 – TITLE DEEDS" and refer to section 5.8, "The Units shall not be occupied or used in any manner or form of for any purpose which may be an injury to the amenity of the neighbourhood or a nuisance to nearby Proprietors, tenants and others."

Numerous incidents involving the applicant's clients have occurred. There have been several calls to the Police non-emergency line over noise complaints and parties. This is also highlighted in attachment "01-JAMES GIBB EMAIL", clearly showing this issue is a significant problem within the building.

Most recently, I had to call the police because the short term let was in use by a suspected prostitute (suspicions justified by neighbours observing the suspected prostitute admitting her own clients to the building in the communal areas). It is near impossible for the applicant to appropriately screen all clientele of the short term let, and there are several vulnerable residents of this building (including young children).

Generally, the clients constantly allow fire doors within the property to slam which causes a disturbance and I have had to speak to several of the applicant's clients about this but due to each client being different this is a never ending battle, the applicant claimed at one point to have had alterations done to the front door of the property but this has had no noticeable effect.

The unpredictable nature of short term let clientele frequenting a building with so many common areas presents a clear nuisance to the residents of the building, and again, a significant safety risk.

#### Applicant Conduct – violating terms of Licence Application

It should also be noted that the applicant had attempted to have this short term let application pass without the notice of other residents of the building. The application only came to my attention after I reported the alleged prostitution to the police, AirBnB, and Aberdeen City Council. I went on to the Aberdeen City Council website and found a link to a short term let property register so decided to do a search and found that the applicant had made an application on the 18th of May 2023 but did not show notice of such an application on or around the property, I made this known in my complaint email to Aberdeen City Council which I sent on the 29th of May 2023. This is a clear violation of paragraph 6 of the ABERDEEN CITY COUNCIL – SHORT TERM LETS LICENSING – GUIDANCE NOTES.

The applicant put up a notice on or around the 1st of June 2023 presumably after an inspector was notified by comments raised in my complaint email, however the notice had been stuck outside the building away from the front door (please see attachment 03 - EXTERIOR 01) and appears to have been tampered with so that information at the bottom has been cut away (03 - EXTERIOR 02). No such notice has been displayed directly outside the property (03 - INTERIOR 01). As of the 8th of June 2023 there is no longer a notice displayed outside of the building.

From the aforementioned attachments, you can see that this notice was not only tampered with, and not protected from the elements, but the placement is not on prominent display (tucked away in a recess of the building exterior only – not displayed at the applicants property either). This, coupled with the length of time the notice was posted (less than 21 days of display), is again a clear violation of paragraph 6 of the ABERDEEN CITY COUNCIL – SHORT TERM LETS LICENSING – GUIDANCE NOTE.

To conclude, the grounds for my objection are that the licence would result in a significant security risk to all residents of Fraser House, a significant nuisance to all residents of Fraser House and may also present a significant financial risk to all property owners within Fraser House.

The conduct of the applicant only amplifies these issues, if they are so flagrant with the basic guidance on licence applications; I have no confidence that they will take any measures to alleviate the concerns of the residents should their licence application be granted.

I ask that this Application for a Licence for a Short Term Let be denied.

Should you require further information, or have any questions about the content of these objections, please do not hesitate to contact me.

Thank you for your consideration.

Yours Sincerely,

Lewis McArthur



# 'D'

**From:** GRAHAM BARKSTAR  
**Sent:** Saturday, June 10, 2023 1:08 PM  
**To:** ShortTermLets <ShortTermLets@aberdeencity.gov.uk>  
**Subject:** Objection to Licence Number AC21478P

Good afternoon,

I want to object to the Short Term Let Licence No: AC21478P. Address as follows:

Flat 34, Fraser House  
9, Market Street  
Aberdeen  
AB11 5PD

The objection is based on a number of factors within the building and I also refer to the "Deed of Conditions" as attached and listed here:

- **5.1**  
Each proprietor shall use and occupy his Unit predominantly as a private dwellinghouse and not sub-divide it.
- **5.8**  
**The Units shall not be occupied or used in any manner or form or for any purpose which may be an injury to the amenity of the neighbourhood or a nuisance to nearby Proprietors, tenants and others.**

Based on many issues we have dealt with as owners/residents, the "Deed of Conditions", highlighted above under section 5.8 clearly do not align with the issues & further potential issues that can be created by "Short Term Letting" within this building. Based on this alone, I do not understand why "Short Term Lets" would qualify to be acceptable in a building such as this. There is no CCTV (I have requested this often) or concierge/policing of the building whatsoever in here. There have been parties and sex work linked to "Short Term Lets" also, which again is against the rules clearly stipulated by Airbnb on the following link under "Illegal & Prohibited Activities":

<https://www.airbnb.co.uk/help/article/3064#:~:text=Incall%20commercial%20sex%20work%3A%20A,or%20offer%20paid%20sexual%20services.>

- **Incall commercial sex work:** A stay, Experience or its surrounding property should not be used for paid sexual services, such as erotic massages or prostitution.
- **Procuring sex work:** Guests should not request and Hosts should not promote or offer paid sexual services.

I can personally confirm I have witnessed what is highly likely sex work linked to this property and this has been reported to police. My partner & 15 year old daughter witnessed this also. Men hang around the main entrance door on the street and women come down and let them in. Considering I've seen the same women come down on multiple occasions to let various men in, it is highly likely linked to this activity. If we had CCTV in the building, this would be very clearly proven, and other residents have clearly witnessed these events also. Although I do not frown upon the sex work industry as a whole, this building via "Short Term Lets" should not be used and normalised for this behaviour, especially due to the shared entrances/spaces & communal areas within the building. This happening in front of my daughter and the

fact there are other children in this building make the use of properties for these activities even more unacceptable.

I have spoken with the host of the property in person on many occasions and have advised this is not personal, but unless there is a major shift in policies and security within the building, I cannot condone the use of "Short Term Lets" within this building. The stress and anxiety that has been caused by certain parties, guests and the inappropriate usage of the properties have caused a great deal of distress to myself and other residents.

**The above reasons are why I have to object to licence number AC21478P. I hope this is in order and that my signature below makes this official. If not, please contact me as soon as possible so that I can amend any of this accordingly.**

Signed:

*Graham Barclay*

A large black rectangular redaction box covering the signature area.

# 'E'

Aberdeen city council

Dear Sir/Madam,

REPLY TO THE OBJECTION LETTER TO THE APPLICATION FOR LICENCE FOR A SHORT TERM LET (STL)

PREMISES: FLAT 34 FRASER HOUSE, 9 MARKET STREET, ABERDEEN

LICENSING COMMITTEE: WEDNESDAY, 6 SEPTEMBER 2023

I refer to the objection letter for my Short Term Let licence application, which I received on the 13<sup>th</sup> of June.

Fraser house is built as a self-catering apartment, was part of the Micasa Aparthotel, (can provide link on request), the council also informed me when I applied for planning that planning permission permit was not required when I applied for my short-let licence,

I bought my property in 2020 as a second holiday home, when I visited the property I observed that it has very little storage and I was informed by the selling agent that the building was purposely built as a short let properties, they said it was ideal for investors because all furniture all fittings were included in the sale, but now been sold to different landlords, I also noticed that it is a block of flats in total they are 35 flats, It fits my purpose of investment so I bought it.

It is a building with 35 tenants and families, I observed that for anyone to buy the property and live in it as their main home requires a high level of tolerance, I don't have this due to my mental health disability, I asked the letting agent if I could install a key safe because I would like my son, my family and my guests to have access to keys anytime they come to the flat and I was told that this is ok, my key safe was installed in a corner outside property in July 2020.

Regarding the key safe mentioned above, in December 2022 my key safe which I installed in 2020 was vandalized and removed with my keys inside it, this is a theft and has been reported to the police, I will elaborate on this in the hearing coming up in September.

**Harassment:** On 14<sup>th</sup> December 2022, I arranged to have my key safe reinstalled in another corner of the building with an existing hole (already there not made by myself) this area is close to the entrance of the lounge bar beside the Fraser house wall.

I was harassed and threatened by two of the objectors to remove the lock, I explained that this is not a new lock, it has been in front of the building since 2020, and was removed and vandalised that I was just replacing it, in their letter that claimed that I was aggressive, this was not the case as it was witnessed by the locksmith I hired who was also surprised at their hostility towards myself, there were these 2 gentlemen shouting at me over this, one of the

objectors came close to me and said in a threatening voice "Remove it " I was alone and faced by these 2 men .

I also tried to explain that I have personal reasons for installing the safe, in an email sent to the residential factor of Fraser house on 23<sup>rd</sup> December 2022, (will provide evidence )where I explained that I would not like my personal mobile phone connected to the fob used in accessing each flat, quite often other tenants guests rings other people's flat to gain access to the building, this has happened to many residents and due to my mental health disability and having been in and out of hospitals, many surgeries, blood disorder and recently diagnosed with severe menopausal symptoms etc., I have been accessed and diagnosed with mental health disability under the equality act 2010, I am on many medications and I just couldn't cope with extra stress from guests of other tenants ringing my flat at odd hours .

Installing a key safe with instructions provided to my guests on check in is the only safe way for me and also to prevent in hindrance to other tenants, my guests are provided with relevant information to access the keys, and NO Unauthorized person can open or brake the safe without having the code, IT IS SAFE AND SECURE , my guests don't ring other people's flat through the intercom connected to people's mobile phones, because they have instructions to access keys safe and only use that facility to gain access.

**Both these constant harassments and my key safe theft has been reported to the police, so they are aware of the situation.**

I didn't have to go to the extent to provide my disability status as this is personal but I have been constantly harassed by two of the objectors, everything that goes wrong in the Fraser house building is blamed on Airbnb, there was an incident on the first floor when some teenagers were coming into the building through the back door, before we eventually found out it was teenagers coming from the streets to sit and mess the lounge area on that floor, It was said initially that they were vandalised by Airbnb guests which was not the case as was later on discovered , it was also claimed it was observed that Airbnb guests was speaking about stealing the artwork etc., This is not correct, hearsay, spreading malicious rumours, one of the objectors constantly speaks about how he very much hated having them in the building and want to get rid of Airbnb etc..

**Fire door:** My neighbour, one of the objectors complained to me once of the guest slamming doors in 2021, I fixed this issue to reduce this occurrence, I asked him after if there was any disturbance, he said its ok now and he has not mentioned this again to me until when I received letter of objection, I have also observed this person's hostility towards me since I bought this property in 2020 even before I started Airbnb business

**On the 5<sup>th</sup> of October 2022** I could not gain access to my flat and was told to use the intercom of which I was not connected to, the fob didn't work, I sent email to the residential factor about this, I still don't know what happened, but I could not go to my flat on that day, I was denied access to my own home .

My Flat is managed by Airbnb, they provide and manage all the reservations, it was said in the objection letter that I rent my flat to sex workers and that my flat is linked to sexual worker, this is not correct, it's a character assassination, and this is personal .

It is an attack on my reputation as a mother, wife and in a career job, I have been a role model to my 25 year son who just graduated from Herriot Watt and will not tolerate any attempt to deform my character just because they don't like Airbnb , this is unacceptable, there was a WhatsApp group created for owners and tenants of Fraser house apartment, I have asked to be invited to the group but rejected, one of the objectors [REDACTED] is one of the admins.

I have informed Airbnb and they have confirmed to me that there were background criminal checks done regarding each guest before booking, guests states their purpose of travelling before a confirmed booking, so far I have been a host to business people working from home ,students, many tourists, couple(holiday makers ) and never a sex worker, (happy to provide my booking calendar which shows the type of people I host), my maximum occupancy is 2 people, no parties allowed in my flat (the only noise is from residents hosting parties and noises) I have received a negative review from a guest because of tenants noises and parties etc, and this is not Airbnb guests but tenants in Fraser house .

I have had many guests travelling to Scotland from Europe, they stay in my flat because its closer for them to be able to visit the Scottish famous castles (evidence will be provided),

One of the objectors stated in his letter that guests use the back door emergency exit to exit the building, the only person I have seen on numerous occasions using that back door is himself, on the day he harassed me to remove my lock, he used the emergency exits, I have also seen other tenants use them.

I have a copy of the deed received when I purchased my property , I was provided when I bought property, the deeds has been misinterpreted to suit their purpose of stopping Airbnb in the building, there are many of us operating Airbnb business and we are all black people, it makes me wonder if we were all white , will we be treated and not accepted in the same manner ? is this about black people's business and trying to make a living ? There were many hostilities towards black people trying to access the building to visit family, I have seen a resident pushed a black lady and slammed the door on her hands when she was standing and tried to get access into the building. I asked these questions because I would like some clarity, I am not making accusations but seeking understanding.

Fraser House was bought by many landlords, many of the flat owners don't live on the property, they were all rented out either short or long term let of which Airbnb belongs and this does not breach the signed deeds in any way.

I have on numerous occasions witnessed permanent resident throwing parties and not Airbnb, my flat does not allowed parties, its included in my house rules and signs in my flat against this and I also follow up each time a guest checks in.

There were cameras installed in common areas of Fraser house on 1<sup>st</sup> and 2<sup>nd</sup> floor, don't know if there is a hidden camera on the 3<sup>rd</sup> floor, without all owners informed and their written agreement, this is unlawful and unacceptable.

Fraser house is in city centre with many pubs, loud music at night, and bars beside and all around it, many drunk people around the areas, sometimes drug addicts hang around on the other side of the building, and not suitable in my opinion for people to raise young children, This is more worrying for me as a parent than one of the objectors claimed that his 15 year old saw a sex walker going in to my flat, he is on the second floor and my flat is on the third floor, I am not the only person managing Airbnb business and there are many others, How does he know that this person is a sex worker or going to my flat, I don't use the intercom, whenever I go to the flat I always come downstairs to let plumbers or electrician in to the building to do repairs etc.. , I have never seen men lined up outside the properties and have spoken to many residents who are happy to be a witness **and they all said they have never seen this either.**

My property provides economic benefit to tourism and hospitality sector, many of the guests travels from Australia, Sweden, Germany Norway, Denmark, Canada etc. and come to Scotland to see the famous **Scottish castle and can provided evidence of this from my various bookings.**

### **Violating terms of License Application.**

There were accusations targeted at myself that I wanted to have the short term let notice pass without notice of residents , I followed instructions by Airbnb and pasted the notice as per Airbnb instruction, I received an email from Aberdeen city council explaining that this is an automated and



how it works, and I have displayed the notice and followed instructions laid out by the council, the previous notice I pasted was removed and I don't know till now who removed it , but one of the objectors (my neighbour) seems to know when this was removed, pasted back on etc..

It is not my intention to hide the notice, when I made the application and submitted to Aberdeen city council, I was advised to wait for further instruction of when to paste the short-term notice.

I pasted the notice in a corner to protect from bad weather on the Fraser house building so everyone can see it and not just Fraser house resident as it is a **public notice**, I was a bit sceptical about pasting right on Fraser house door because there are always issues when there is any postings on the building, one of the objectors etc complains about anything on the wall, it was noticeable enough for one of the objectors (my neighbour) to see it but he still claimed that I tried to hide it .

On the 4<sup>th</sup> of June, when I went to the flat the sign was there , on the 9<sup>th</sup> of June I passed the Fraser building around 11pm after a night out, went to my flat to pick up laundry I had done earlier and I saw one of the objectors [REDACTED] standing outside the building, I said hello , all he was complaining to me was about a claim to have seen a prostitute going to my flat, I was shocked and I said to him that is not the case because my flat is managed by Airbnb, next day I phone Airbnb and there was nothing of such (evidence will be provided at the hearing )

Next day on the 10<sup>th</sup> of June early morning, I went to the flat and observed that the notice was no longer there, I saw signs that someone opened the plastic on top of my key safe, although they cannot break in as its secure.

I am not making an accusation but can only say what I saw, the only person I saw in from of the building after 22:00 pm the night before was one of the objectors [REDACTED] witnessed by my taxi driver.

**Procuring sex Worker:** I noticed that one of the objectors [REDACTED] mentioned this in his letter, I would like to understand if he is accusing me of requesting, promoting, or offering sexual services as mentioned in his letter. If this is the case, I would request the objector [REDACTED] to bring forward his evidence or withdraw his accusation with an apology, I will not tolerate any attempt to sabotage my reputation .

It is ok not to like Airbnb business, but it is not ok to spread false allegations and rumours about another person, this is evil and unacceptable.

## **In conclusion**

I bought this property at Fraser house to make extra income and be able to pay my bills, high cost of living hits us all ,I work part time ( I can't do full time due to my current deteriorating health status) , I chose not to be on benefit so I can have a purpose in life and be in a situation where I can make a positive difference to someone's life and give back to my community as well,

if truly my Airbnb business is impacting anyone in Fraser house, I am approachable and will work with other tenants and landlord to reduce impact to minimum, I am a good listener and a very considerate person, I have updated my policies with many rules and regulations, I closely monitor the kind of people that Airbnb book in to my flat and that is why I have added more checks including background checks on guests, maximum occupancy for my flat is 2 , residents and other landlords in the building can have up to 10 people in their flat including children while my maximum occupancy is limited to only 2 people etc..

Airbnb guests knows that they are regulated and behave responsibly .

In my opinion, many Airbnb guests are responsible people who only visit Scotland to go out and see the city, many of them rarely stay in the flat unless those here for working remotely, they go out to see friends, family, castles etc.

Instead of this constant harassment, if approached in the right way and respect which is mutual, I am ready to work with landlords and tenants to ensure a safe and secure building for all of us.

Thank you.

Kind regards

Mercy Brown

## LICENSING COMMITTEE INFORMATION SHEET

**06 September 2023**

### LANDLORD REGISTRATION

**TYPE OF APPLICATION:** LANDLORD REGISTRATION

**REGISTERED LANDLORD:** MIAN ALI

**RENTAL PROPERTIES:**

- 33 SEAMOUNT COURT, ABERDEEN, AB25 1DQ
- MCDONALD COURT 78A, JUTE STREET, ABERDEEN, AB24 3HB
- 7 SEAMOUNT ROAD, ABERDEEN, AB25 1DY
- 4 SEAMOUNT COURT, ABERDEEN, AB25 1DQ
- 6A CHARLES STREET, ABERDEEN, AB25 3TU

#### INFORMATION NOTE

The Committee is requested to consider whether the applicant is a 'fit & proper' person to be registered as a landlord in relation to property management and condition.

The Scottish Government's 'Prescribed Information' legislation ([The Private Landlord Registration \(Information\) \(Scotland\) Regulations 2019](#)) came into force on 16 September 2019. Any landlord who applies to register or renew are required to declare they meet specific obligations. This requires applicants to be more explicit about their compliance with existing legal responsibilities in relation to property management and condition.

As a result of the above legislation, Local Authorities can request copies of safety certificates when required. If a landlord does not co-operate and supply copies of the required certificates/evidence a registration can be revoked/refused.

#### THE LEGISLATION

This application for Landlord Registration is being dealt with under the provisions of Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004, as amended. The Act states that when deciding whether a landlord is fit and proper, the local authority is entitled to take into account specified categories of information (albeit these are not exhaustive). There are three categories specified in the Act which can be summarised as follows:-

- (1) Material that shows that the applicant has—
  - committed any offence involving sexual offences; fraud or other dishonesty; violence or drugs;
  - practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business; or
  - contravened any provision of the law relating to housing; or landlord and tenant law.
- (2) Material that relates to any actings of the applicant as respects antisocial behaviour affecting a house subject to a relevant lease or occupancy arrangement;

(3) Material the authority considers is relevant to the question of whether the applicant is a fit and proper person.

The Act further states that if an applicant knowingly provides false mandatory information or knowingly omits mandatory information (eg. A relevant conviction), the applicant will have committed a criminal offence under the Act.

## CURRENT POSITION

- The landlord in question is a registered landlord within Aberdeen City and it came to the attention of the Private Sector Housing Team on 16 January 2023 that smoke detection was not present in one of the above rental properties. Battery operated smoke detectors were fitted, in the interim, by the Fire Service. The Private Sector Housing Team contacted the landlord to request evidence that safety certification and smoke detection is in place for all 5 rental properties.
- Contact was made by email from the Landlord Registration Team, on 17 January 2023 to Mr Ali requesting copies of evidence that safety certification and smoke detection is in place for all 5 rental properties.
- Further attempts to request safety certification were made on:
  - 20 February 2023 (Email)
  - 22 May 2023 (Email)
- A representative for Mr Ali responded to email requests, however all certificates were not supplied within the deadlines provided.
- A request was made by the Landlord Registration Team to visit the properties and Mr Ali agreed to contact the team with dates. However these inspections have not taken place.
- Mr Ali's landlord registration is current, he may therefore act as a landlord until his Registration status has been reviewed by the Licensing Committee.

## OBJECTIONS/REPRESENTATIONS

- N/A

## REASON FOR REFERRAL TO LICENSING COMMITTEE

The Licensing Committee is requested to review Mr Ali's registration as a landlord in light of information not supplied by the landlord, when requested by the Private Sector Housing Team, that refers to 'Obligations' of being a registered landlord.

## OTHER CONSIDERATIONS

- Mr Ali submitted a renewal application on 16 June 2022 for Landlord Registration with the Council and paid the relevant fee and declared 5 rental properties. The application was approved for a further 3 years with an expiry date of 05 July 2025.
- Mr Ali has been registered as a landlord since at least July 2016.
- The above-mentioned legislation requires this local authority to determine Mr Ali's status as a registered Landlord, based on whether he is considered to be a 'fit & proper' person.
- The above-mentioned legislation allows local authorities to approve or refuse Registration applications and revoke approved Registrations. Where applicants are refused Registration or Registrations are revoked, an appeal to the Housing & Property Chamber for Scotland, First-tier Tribunal, is available to the applicant/landlord.
- If a local authority revokes a Landlord Registration, and the applicant does not appeal the decision, or any appeal is not upheld, the applicant cannot, by law, act as a landlord.

This page is intentionally left blank

## LICENSING COMMITTEE INFORMATION SHEET 6 SEPTEMBER 2023

George Kenneth Kerr Pirie  
Request To Be Exempted from WAV Policy &  
Request To Be Exempted from Street Knowledge Test Policy

### INFORMATION NOTE

Mr Pirie is seeking an exemption to the Committee Policy that states that any new grant application for a taxi must be for a Wheelchair Accessible Vehicle and that such a licence must always licence a WAV.

In addition Mr Pirie is also seeking an exemption from the policy that requires all applicants for the grant of a Taxi Driver Licence to have passed the street knowledge test.

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

Mr Pirie was the holder of Taxi Driver Licence 0380 from before 01/01/2000 to 31/03/2021. He is requesting an exemption from having to pass the street knowledge test as that licence expired without a renewal application being submitted. He would have passed the street knowledge test previously.

In addition Mr Pirie was the holder of Taxi Licence T024 which expired on 31/05/2023 without a renewal application being submitted, again in error. The vehicle licensed was a salon car, which Mr Pirie is seeking to re-licence.

He is requesting exemption from providing a WAV due to the cost of providing such a vehicle, his current vehicle was previously licensed and that he only works on a part-time basis.

Should the Committee be minded to grant the exemptions Mr Pirie is aware that he will be required to submit grant of licence applications for both the Taxi Driver Licence and the Taxi Licence.

### COMMITTEE GUIDELINES/POLICY

Licensing Committee policy states that any new grant application for a Taxi Licence must be for a WAV vehicle and any subsequent vehicle licensed must also be a WAV.

Licensing Committee policy states that all applicants for a Taxi Driver Licence must have passed the street knowledge test.

This page is intentionally left blank



Hi

Can you please take this email as my request to be exempted from the Street knowledge test and WAV policy, I have been a taxi driver for almost 30 years with no complaints to my name and always represented Aberdeen in a courteous and professional manner. I only work 3 days per week as I am looking to retire in the near future and I do not have the financial means to justify a new WAV vehicle having just upgraded this year.

I must note that I never received an email regarding this issue in 2021, I did hand in the paperwork as I noted that I was not comfortable completing online paperwork and this was accepted by the office I do not have printing facilities etc. This is the first time it was mentioned as it's the first time I have responded to the issue, had I been advised or received the email in 2021 this would have been addressed at the time. I appreciate I am not the best with computers etc but I always endeavour to do this with support.

Kind regards

This page is intentionally left blank

## LICENSING COMMITTEE INFORMATION SHEET 6 SEPTEMBER 2023

Lawrence Leaper  
Taxi Licence T036  
Request To Be Exempted from WAV Policy

### INFORMATION NOTE

Mr Leaper is seeking an exemption to the Committee Policy that states that any new grant application for a taxi must be for a Wheelchair Accessible Vehicle and that such a licence must always licence a WAV.

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

Mr Leaper is the holder of Taxi Licence T036 and has been since 22/10/2009. The vehicle licensed has always been a WAV.

He is requesting exemption from providing a WAV as his current vehicle has broken down and fixing it will cause him financial hardship.

Should the Committee be minded to grant the exemptions Mr Leaper is aware that he will be required to submit a substitution application to licence another vehicle.

### COMMITTEE GUIDELINES/POLICY

Licensing Committee policy states that any new grant application for a Taxi Licence must be for a WAV vehicle and any subsequent vehicle licensed must also be a WAV.

This page is intentionally left blank

Dear,

I have held my taxi licence for near 25 years. As the date draws near for me to renew my taxi drivers licence i have been dealt a blow regarding my car.

The timing belt broke last week, and just learned today (13/06/2023) the cost of repair is just not worth doing.

As a 68 year old i plan to taxi for another 2 years. So Mr M--- i ask you if you could relax the rule and enable me to put a saloon car on the road for the last 2 years of my working life.

Yours Sincerely

This page is intentionally left blank

## LICENSING COMMITTEE INFORMATION SHEET 06 September 2023

LICENCE HOLDER: MAJID ALI  
TAXI DRIVER'S LICENCE: 1740  
PRIVATE HIRE CAR LICENCE: PH036

### DESCRIPTION

The hackney pass certificate for Mr Ali's vehicle on licence PH036 expired on 09/01/2023. On the 20/01/2023, the enforcement officer informed Mr Ali that his vehicle could not be used as a Private Hire Car until it passed a hackney test. He was at the same time booked for a hackney test to take place on Wednesday 25/01/2023 at 12:00 (which was the first slot available).

Mr Ali thereafter undertook 40 hires between 20/01/2023 and 22/01/2023 after he was advised that he could not use the vehicle. This was confirmed by the booking office through which Mr Ali obtained his fares.

Mr Ali's vehicle passed a hackney on 25/01/2023.

### LEGISLATION/CONSULTEE

N/A

### OBJECTIONS

Legal

### COMMITTEE GUIDELINES/POLICY

Private Hire Operator licence condition 15 states-  
A licensed vehicle must have a current Pass Certificate issued after the vehicle had passed its last vehicle inspection. If a Pass Certificate has expired the vehicle cannot be used as a taxi or private hire car until a new Pass Certificate has been obtained

### GROUNDINGS FOR SUSPENSION/REVOICATION

A licensing authority may suspend or revoke a licence if, in their opinion—

A licensing authority may order the suspension or revocation of a licence if in their opinion—

(a) the holder of the licence or, where the holder is not a natural person, any director of it or partner in it or any other person responsible for its management, is not or is no longer a fit and proper person to hold the licence;

(b) the activity to which the licence relates is being managed by or carried on for the benefit of a person, other than the licence holder, who would have been refused the grant or renewal of the licence under paragraph 5(3) above;

(c) the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety;

(d) a condition of the licence has been contravened.



### **Instruction to Driver not to use Vehicle**

Good morning,

There are no free slots available on Monday.

The first free slot is Wednesday at 12:00 and you are booked in for then.

As your current hackney pass certificate expired on 09/01/2023, the vehicle cannot be used as a Private Hire Car until it passes a hackney test.

### **Number of Bookings**

He has serviced 40 bookings From Friday 10.30 until Sunday 00.00hrs

### **Notification to Driver for Breach of Conditions**

Good morning,

On the 20/01/2023 you were informed by me that vehicle PH036 could not be used as a private hire car until the vehicle has passes a hackney test as the current hackney pass certificate had expired on 09/01/2023. Information has been received that you used the vehicle after being informed that you could not. This is of course a breach of licence conditions and we will therefore have to take further action. I remind you the vehicle cannot be used as a Private Hire Car until it has passed the hackney test. You will be referred to the licensing committee for a breach of licensing conditions, namely using a vehicle as a private hire car without a current hackney pass in place and failing to follow reasonable instructions given by an authorised officer of the licensing authority.

This page is intentionally left blank

**LICENSING COMMITTEE INFORMATION SHEET  
6 SEPTEMBER 2023**

**APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR LICENCE**

**APPLICANT: ADIL SALAM**

**DESCRIPTION**

Application Submitted: 04/08/2023  
Determination Date: 03/06/2024

Mr Salam has submitted an application for the grant of a Private Hire Car licence, however the vehicle to be licensed is more than 5 years of age.

The vehicle was previously licensed under a temporary Private Hire Car licence which expired on 15/06/2023 without an application for the full grant being submitted.

**CONSULTEES**

N/A

**OBJECTIONS/REPRESENTATIONS**

Legal

**COMMITTEE GUIDELINES/POLICY**

Age of Vehicles

WAV taxi vehicles must be 10 years old or less at first licensing and at substitution.

All other taxi vehicles must be 5 years old or less at substitution onto pre 1994 licences. All vehicles for a taxi licence must meet the Age Policy

**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.**

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank



Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank



Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank



Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank