

# Public Document Pack



To: Councillor Al-Samarai, Convener; Councillor Delaney, Vice-Convener; and Councillors Ali, Boulton, Clark, Copland, Fairfull, Farquhar, Grant, Henrickson, Lawrence, MacGregor and McLeod.

Town House,  
ABERDEEN 1 December 2023

## LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in **Committee Room 2 - Town House** on **TUESDAY, 12 DECEMBER 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 6 September 2023 (Pages 5 - 12)
- 5.2. Minute of Meeting of the Licensing Sub Committee of 2 November 2023  
(Pages 13 - 14)
- 5.3. Minute of Meeting of the Taxi and Private Hire Car Consultation Group of 30 August 2023 (Pages 15 - 24)
- 5.4. Committee Business Planner (Pages 25 - 26)

## **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. Short Term Lets Applications - Licensing Process - COM/23/377 (Pages 27 - 30)
- 8.2. Committee Annual Effectiveness Report - COM/23/321 (Pages 31 - 46)

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

- 9.1. Renewal of a Licence for a House in Multiple Occupation - 13 Affleck Street  
(Pages 49 - 52)
- 9.2. Renewal of a Licence for a House in Multiple Occupation - 13 Orchard Street  
(Pages 53 - 58)
- 9.3. Short Term Let Application (Existing Operator) - Flat 34 Fraser House, 9 Market Street (Pages 59 - 86)

- 9.4. Exemption Request - Late Hours Catering - Morrisons Petrol Filling Station - West North Street (Pages 87 - 90)
- 9.5. Exemption Request - Street Knowledge Test - Deborah Margaret Elrick (Pages 91 - 94)
- 9.6. Renewal of a Taxi Licence (T130) - Ferdi Kahraman (Pages 95 - 96)
- 9.7. Complaint - Taxi Driver - Mame Leye Mbaye (Pages 97 - 98)
- 9.8. Complaint - Taxi Driver - William Cameron (Pages 99 - 100)

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

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

- 10.1. Renewal of a Taxi Driver Licence (Pages 103 - 106)
- 10.2. Renewal of a Taxi Driver Licence (Pages 107 - 108)
- 10.3. Renewal of a Taxi Driver Licence (Pages 109 - 110)
- 10.4. Renewal of a Taxi Driver Licence (Pages 111 - 112)
- 10.5. Renewal of a Taxi Driver Licence (Pages 113 - 114)
- 10.6. Exemption Request - Wheelchair Accessible Vehicle (Pages 115 - 118)
- 10.7. Exemption Request - Wheelchair Accessible Vehicle (Pages 119 - 122)

Integrated Impact Assessments 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)

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## LICENSING COMMITTEE

ABERDEEN, 6 September 2023. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Al-Samarai, Convener; Councillor Delaney, Vice-Convener; and Councillors Ali, Boulton, Clark, Cooke (as substitute for Councillor van Sweeden), Fairfull, Farquhar, Henrickson, Lawrence, MacGregor and McLeod.

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:-

The Convener declared an interest in relation to item 10.1 (Renewal of a Taxi Driver's Licence), by virtue of her knowing the applicant. She advised that the nature of her interest required her to leave the meeting and she therefore took no part in the Committee's deliberations thereon.

### MINUTE OF PREVIOUS MEETING OF 28 JUNE 2023

2. The Committee had before it the minute of its previous meeting of 28 June 2023, for approval.

**The Committee resolved:-**

to approve the minute.

### MINUTE OF MEETING OF THE LICENSING SUB COMMITTEE OF 7 AUGUST 2023

3. The Committee had before it the minute of meeting of the Licensing Sub Committee of 7 August 2023, for approval.

**The Committee resolved:-**

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.

## **LICENSING COMMITTEE**

6 September 2023

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

- (i) to note the reason for the delay in relation to item 4 (Taxi Driver Training); and
- (ii) to otherwise note the Committee Business Planner.

### **LOW EMISSION ZONE - TIME-LIMITED EXEMPTION FOR TAXIS AND PRIVATE HIRE CARS - COM/23/188**

5. The Committee had before it a report by the Director of Commissioning which provided information in relation to the additional time-limited exemption from the Low Emission Zone (LEZ) granted to drivers of taxis and private hire cars (PHCs).

### **The report recommended:-**

that the Committee –

- (a) note the time-limited exemption from the LEZ granted to taxis and PHCs;
- (b) instruct the Interim Chief Officer – Governance (Legal) to communicate this decision to taxi and PHC operators; and
- (c) 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.

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

- (i) to approve the recommendations contained within the report;
- (ii) to instruct the Chief Officer – Strategic Place Planning to circulate a Service Update to all members of Council in relation to the report; and
- (iii) to refer the report to the Net Zero, Environment and Transport Committee for their information.

### **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 27 POWIS TERRACE**

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

### **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 42 BOTHWELL ROAD**

7. The Committee had before it a report by the Private Sector Housing Manager, which advised that the application was before the Committee for the reason that the certification and work requirements to bring the property up to the current HMO standard had not been completed.

The applicant was not in attendance, nor represented.

**LICENSING COMMITTEE**

6 September 2023

**The Committee resolved:-**

to refuse the licence.

**RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 40 BOTHWELL ROAD**

8. The Committee had before it a report by the Private Sector Housing Manager, which advised that the application was before the Committee for the reason that the certification and work requirements to bring the property up to the current HMO standard had not been completed.

The applicant was not in attendance, nor represented.

**The Committee resolved:-**

to refuse the licence.

**RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 118 GALLOWGATE**

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

**NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - FLAT F, 20 RICHMOND STREET**

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

**SHORT TERM LET APPLICATION (EXISTING OPERATOR) - 78 SEAMOUNT COURT**

11. The Committee had before it a report by the Private Sector Housing Manager, which advised (1) that the certification requirements to bring the property up to the current Short Term Let standard have not been completed; (2) that it had 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; and (3) that the application required to be determined by 13 November 2023.

The applicant was not in attendance, nor represented.

**The Committee resolved:-**

(i) to defer consideration of the application in order for the applicant to (1) complete and supply the necessary certification to bring the property up to the current Short

## LICENSING COMMITTEE

6 September 2023

- Term Let standard; and (2) display a public Notice of Short Term Let Application outside the building for the 21-day statutory period, alerting the general public to the Short Term Let licence application, after which time the Chief Officer - Early Intervention and Community Empowerment could grant the licence under delegated powers if appropriate; and
- (ii) that if the above was not undertaken, to refer the application to a meeting of the Licensing Sub Committee for consideration.

### **SHORT TERM LET APPLICATION (EXISTING OPERATOR) - FLAT 34 FRASER HOUSE, 9 MARKET STREET**

12. 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 three letters of representation had been submitted.

By way of a preliminary matter, Mrs Jocelyn Janssen, Private Sector Housing Manager, advised that the applicant's agent Ms Mercy Brown, had submitted further correspondence that she wished the Committee to consider today.

The Committee resolved:-

to accept the additional correspondence into the proceedings.

Two of the three responders were in attendance.

The Committee resolved:-

to defer consideration of the application to the next meeting of the Committee to allow officers and responders time to consider the late documentation submitted by the applicant.

### **DECLARATION OF INTEREST**

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

### **LANDLORD REGISTRATION (FIVE RENTAL PROPERTIES) - MIAN ALI**

13. The Committee had before it a report by the Private Sector Housing Manager, which (a) indicated that any landlord who applied to register or renew were required to declare they meet specific obligations and required applicants to be more explicit about their compliance with existing legal responsibilities in relation to property management and condition; (b) requested that the Committee consider whether the applicant was a 'fit



## LICENSING COMMITTEE

6 September 2023

& proper person to be registered as a landlord in relation to property management and condition; and (c) intimated that copies of safety certificates were still required for the following five rental properties:-

- 33 Seamount Court;
- McDonald Court 78a, Jute Street;
- 7 Seamount Road;
- 4 Seamount Court; and
- 6a Charles Street.

The registered landlord, Mr Mian Ali was in attendance and spoke in support of his application.

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

to defer the application to the next meeting of the Committee to (1) allow the landlord time to undertake the necessary works and submit evidence to the Landlord Registration Team that safety certification and smoke detection was in place for all 5 rental properties; and (2) allow the landlord to provide access for a Council Officer to inspect the rental properties.

### **REQUEST FOR EXEMPTION FROM THE WHEELCHAIR ACCESSIBLE POLICY AND STREET KNOWLEDGE TEST - GEORGE PIRIE**

14. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the licence holder was seeking exemptions from the Wheelchair Accessible Policy and Street Knowledge Test.

The applicant, Mr George Pirie was in attendance, spoke in support of the request and responded to questions from members.

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

to approve the requests for exemption from the Wheelchair Accessible Policy and Street Knowledge Test.

### **REQUEST FOR EXEMPTION FROM THE WHEELCHAIR ACCESSIBLE POLICY - LARRY LEAPER**

15. The Committee had before it an information note prepared by the Interim Chief Officer – Governance (Legal), which advised that the applicant was seeking an exemption from the Wheelchair Accessible Vehicle policy.

The licence holder was not in attendance, nor represented.

**LICENSING COMMITTEE**

6 September 2023

Mr Sandy Munro, Licensing Team intimated that he had received an email from the licence holder advising that he was unwell and could not attend the meeting today.

**The Committee resolved:-**

to defer consideration of this item to a meeting of the Licensing Sub Committee.

**BREACH OF TAXI DRIVER'S LICENCE CONDITION - MAJID ALI**

16. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which (a) advised that the vehicle pass certificate for the licence holder's vehicle (licence PH036) had expired and he was informed by the Council's Enforcement Officer that his vehicle could not be used as a Private Hire Car until it had passed the vehicle inspection test; (b) indicated that the licence holder had undertaken 40 hires between 20 and 22 January 2023 after he was advised that he could not use the vehicle, which had been confirmed by the booking office through which the licence holder had obtained his fares; (c) explained that this was a breach of condition 15 of the Private Hire Operator licence; and (d) appended correspondence from the licence holder.

The licence holder, Mr Majid Ali was in attendance and spoke in support of his licence.

**The Committee resolved:-**

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

**GRANT OF A PRIVATE HIRE CAR LICENCE - ADIL SALAM**

17. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which (a) advised that the applicant had submitted an application for the grant of a Private Hire Car licence, however the vehicle to be licensed was older than 5 years of age; and (b) indicated that the vehicle had been previously licensed under a temporary Private Hire Car licence which expired on 15 June 2023 without an application for the full grant being submitted.

The applicant Mr Adil Salam was in attendance and spoke in support of his application.

**The Committee resolved:-**

to grant the licence, subject to the vehicle passing the usual inspection test at Fleet Services.

**LICENSING COMMITTEE**

6 September 2023

**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.

At this juncture, in accordance with Article 1 of this minute, the Convener left the meeting prior to consideration of the following item of business.

The Vice Convener chaired the meeting for this item only.

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

18. The Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance which advised that the application required to be considered by 23 April 2024; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 25 July 2023.

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

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

Both parties summed up.

**The Committee resolved:-**

to grant the renewal of the licence.

**REQUEST FOR EXEMPTION FROM THE WHEELCHAIR ACCESSIBLE VEHICLE POLICY (AGENDA ITEM 10.2)**

19. 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 from the Wheelchair Accessible Vehicle policy.

The applicant was not in attendance, nor represented.

**The Committee resolved:-**

to defer this item to the next meeting of the Committee.

**LICENSING COMMITTEE**

6 September 2023

**NOTICE OF COMPLAINT (AGENDA ITEM 10.3)**

**20.** The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that a letter of complaint had been received in relation to the licence holder.

The licence holder and his representative Mr Ian Morrison was in attendance, spoke in support of the application and responded to questions from members.

The licence holder's representative summed up.

**The Committee resolved:-**

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

**NOTICE OF COMPLAINT (AGENDA ITEM 10.4)**

**21.** The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that a letter of complaint had been received in relation to the licence holder.

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

The licence holder summed up.

**The Committee resolved:-**

to defer this item to a future meeting of the Committee to allow the licence holder to seek legal advice.

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

## LICENSING SUB COMMITTEE

ABERDEEN, 2 November 2023. Minute of Meeting of the LICENSING SUB COMMITTEE. Present:- Councillor Al-Samarai, Convener; and Councillors Delaney, MacGregor and McLeod.

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

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

### DECLARATIONS OF INTEREST AND TRANSPARENCY STATEMENTS

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

### GRANT OF A STREET TRADER LICENCE - MORAD SLAMA - WHITEMYRES AVENUE NORTH SIDE, 15M WEST OF WHITEMYRES PLACE

2. The Sub Committee had before it an information note prepared by the interim Chief Officer – Governance, which advised that (1) three objections had been received; and (2) the application required to be determined by 3 May 2024.

The applicant was not in attendance, nor represented.

The objectors were not in attendance, nor represented.

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

to refuse the application on the grounds of public safety, noting that the location of the vessel would be in close proximity to the junction.

### REQUEST FOR EXEMPTION FROM POLICY - STREET KNOWLEDGE TEST - DEBORAH ELRICK

3. The Sub Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the applicant was seeking an exemption from the Street Knowledge Test.

The applicant was not in attendance, nor represented.

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

to defer consideration of this item to the next meeting of the Licensing Committee.

**LICENSING SUB COMMITTEE**

2 November 2023

**REQUEST FOR EXEMPTION FROM POLICY - STREET KNOWLEDGE TEST - EDWARD MARR**

4. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the applicant was seeking an exemption from the Street Knowledge Test.

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

**The Sub Committee resolved:-**

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

**REQUEST FOR EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE - LAWRENCE LEAPER**

5. The Committee were advised that the licence holder had withdrawn his request.  
- **COUNCILLOR GILL AL-SAMARAI, Convener.**

## TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP

ABERDEEN, 30 August 2023. Minute of Meeting of the TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP. Present:- Councillor Delaney, Acting Chairperson; and Councillors Boulton, Henrickson and MacGregor (as substitute for Councillor Al-Samarai); and Alan Catto (Independent Driver), Chris Douglas (Aberdeen Taxis), Stewart Duncan (Airport Taxis), Russell McLeod (Rainbow City Taxis), Luke Hulse (Independent Driver) and Hussein Patwa (Disability Equity Partnership).

In attendance:- PC Ian Duthie (Police Scotland), Derek Jamieson (Fleet Services, Operations), Sandy Munro, Dave McKane, Alexa Last and Daniel Wright (Licensing and Planning Team), Will Hekelaar (Strategic Place Planning), Jon Henderson and Gary Ewen (Taxi Marshalls, SGL) and Mark Masson and Gogo Okafor (Committee Services)

### WELCOME AND APOLOGIES

1. The Acting Chair welcomed everyone to the meeting.

An apology for absence was intimated on behalf of Councillor Al-Samarai (Chairperson) and Councillor Clark.

### DECLARATIONS OF INTEREST OR TRANSPARENCY STATEMENTS

2. 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 Boulton advised that she had a connection in relation to agenda item 5 (Signposting to Alternative Taxi Operators - Hussein Patwa), item 6 (Promoting Taxi Driver Equality and Disability Awareness - Hussein Patwa) and 7 (Easement of Taxi Restrictions at Aberdeen Railway Station - Hussein Patwa) by virtue of her being a member of the Disability Equity Partnership, however having applied the objective test, she did not consider that she had an interest and would not be withdrawing from the meeting; and
- (2) Councillor Delaney advised that he had a connection in relation to agenda item 5 (Signposting to Alternative Taxi Operators - Hussein Patwa), item 6 (Promoting Taxi Driver Equality and Disability Awareness - Hussein Patwa) and 7 (Easement of Taxi Restrictions at Aberdeen Railway Station - Hussein Patwa) by virtue of him being a member of the Disability Equity Partnership, however having applied the objective test, he did not consider that he had an interest and would not be withdrawing from the meeting.

### MINUTE OF PREVIOUS MEETING OF 5 APRIL 2023 - FOR APPROVAL

3. The Consultation Group had before it the minute of its previous meeting of 5 April 2023.

**The Consultation Group resolved:-**

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP  
30 August 2023

to approve the minute as a correct record.

#### **ENFORCEMENT REPORT**

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

Dave McKane highlighted the main issues from his report, making reference to (a) current numbers of licensed vehicles and drivers; (b) the street knowledge test statistics during the period 1 April to 16 August 2023; and (c) the behaviour of drivers working from Aberdeen Railway Station.

During discussion the following was noted:-

- that the reduction of taxis and taxi drivers was less than usual; and
- that there had been very few complaints submitted to the Licensing Team regarding the behaviour of the taxi driver permit holders at the Railway Station, although there was mention of a larger group of drivers using an online App to jump queues at the station, however officers have spoken with representatives at the Railway to ensure that all their taxi drivers were given the opportunity to use the App.

#### **The Consultation Group resolved:-**

- (i) that future reports provide a breakdown of the Street Knowledge Tests in terms of how many applicants were sitting the tests; and
- (ii) to otherwise note the information within the report.

#### **SIGNPOSTING TO ALTERNATIVE TAXI OPERATORS - HUSSEIN PATWA**

5. The Consultation Group had before it a paper from Hussein Patwa which sought consideration of signposting passengers to alternative taxi operators if the taxi operator they had called was unable to meet their desired demand.

Mr Patwa advised that the Disability Equity Partnership's (DEP) proposal sought the adoption and implementation of a voluntary agreement whereby operators above a certain size who were unable to meet immediate or expected demand for timed reservations would offer customers the contact details for alternative providers within the city who may be able to accommodate their request.

Mr Patwa indicated that DEP did not expect operators to source, store or provide any real-time information as to the potential availability of alternative providers, nor to be accountable for any delay or disappointment customers may face should be alternative provider be unable to accommodate the request.



TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP  
30 August 2023

In addition, Mr Patwa made reference to representatives of the deaf community who had expressed specific concerns given the challenges around making reservations by phone. He explained that they had requested consideration of whether a modified implementation of the above proposal could be embedded into existing Web or App booking platforms which they used as an alternative with the option to disseminate information on potential alternative operators via text or other instant messaging being welcome.

**The Consultation Group resolved:-**

to note that the Taxi Operators on the Consultation Group would meet with DEP representatives to discuss the above proposal further.

**PROMOTING TAXI DRIVER EQUALITY AND DISABILITY AWARENESS - HUSSEIN PATWA**

6. The Consultation Group had before it a paper from Hussein Patwa which sought consideration of the promotion of driver equality and disability awareness.

Mr Patwa highlighted the key points from his paper making reference to some issues since 2020 where the Disability Equity Partnership (DEP) had received increasing reports from those they supported that the quality of service experienced had been with drivers from ethnic minority backgrounds and was divergent to what they would normally expect, specifically:-

- failure to explain and provide valid evidence of a current exemption to the carriage of wheelchairs and/or guide dogs; and
- lack of awareness on the needs or assistance requirements of disabled people (e.g. sighted guiding).

Mr Patwa highlighted in detail, three interventions which may be considered as a way forward, namely the dissemination of information, dedicated awareness sessions and integration with existing licensing/maintenance processes.

During the discussion, the following was noted:-

- that there were a number of schemes to assist drivers in the past, however given that they were not made compulsory and/or a condition of their licence, many did not choose to participate;
- that officers were currently looking at training for drivers and feedback had been generally supportive, however there was a difficulty in identifying training providers. The intention was that a future report would be submitted to the Licensing Committee and any training package would include aspects highlighted within the DEP paper including disability awareness and equality;
- that it was anticipated that any future driver training package agreed, including the potential for online training, would be a condition of the driver's licence, with existing licence holders having to undergo training prior to the renewal of their

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP  
30 August 2023

licence, although they would be encouraged to undergo the training as soon as is practicable;

- that there was a great deal of excellent information/material available online which would benefit drivers and could be circulated to members of the Consultation Group; and
- that a level 5 SQA qualification was required by Glasgow City Council for all applicants seeking a taxi and private hire driver licence.

**The Consultation Group resolved:-**

- (i) to note the information provided; and
- (ii) to note that Hussein Patwa would provide a link [https://www.bluelamptrust.org.uk/disability\\_awareness/](https://www.bluelamptrust.org.uk/disability_awareness/) which provided information on a bespoke disability awareness package that was developed for use with taxi operators and local authorities – to be circulated by email to all members of the Group.

**EASEMENT OF TAXI RESTRICTIONS AT ABERDEEN RAILWAY STATION - HUSSEIN PATWA**

7. The Consultation Group had before it a paper by Hussein Patwa which sought consideration of easement of taxi restrictions at Aberdeen Railway Station.

Mr Patwa made reference to the current situation at the station where there was currently insufficient supply within the pool of permit holders to meet demand at the railway station, particularly during peak periods which resulted in a situation where passengers experienced long waits for taxis, or alternatively were required to arrange to be picked up or dropped off by a different operator out with the station.

Mr Patwa explained that this presented accessibility issues for a small number of passengers, particularly those who depend on assistance provided by railway station staff, resulting from insurance and liability constraints that generally prohibit such staff from operating or providing support on land external to the station premises.

Mr Patwa indicated that there were tensions between permit holders and non-permit holders on occasions where the latter had chosen to defy current restrictions in order to meet the accessibility requirements of their customers and in addition, disabled passengers using a pickup or drop-off location out with the station environs faced increased walking distances and, due to the lack of staffing or alternative patrols, had found these locations challenging from a safety perspective.

Mr Patwa outlined DEP's proposal that envisaged a conditional easement to the prevailing restrictions allowing those passengers with a genuine, equality-based need to be picked up or dropped off by any taxi driver, regardless of permit or status, within the confines of Aberdeen Railway Station and its environs.

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP  
30 August 2023

During the discussion, the following was noted:-

- that the taxi trade were supportive of the proposal, noting that many non-permit holders avoided entering the railway station;
- that the taxi rank at the station was a 'private taxi rank' operated by Aberdeen Railway Station, however it was the understanding of officers that any passengers who had mobility issues were permitted entry to the station to be dropped off or collected; and
- that access to the station should also be given to elderly passengers.

**The Consultation Group resolved:-**

- (i) that officers would seek to determine what the situation was at the railway station, noting that it was operated by Aberdeen Railway Station and would email members of the Group in this regards in due course;
- (ii) that the Licensing Team would also communicate the outcome of (i) above with all taxi and private hire drivers, including those who hold permits at the railway station; and
- (iii) that any complaints/concerns relating to the behaviour of taxi driver railway station permit holders (and others), should be reported to the Licensing Team.

**LOW EMISSION ZONE AND WHEELCHAIR ACCESSIBLE TAXIS - PETER CAMPBELL**

8. The Consultation Group had before it a request submitted by Peter Cambell in relation to the Low Emission Zone and Wheelchair Accessible Vehicles.

The paper submitted (a) advised that Unite the Union members had requested an exemption for Wheelchair Accessible Taxis in Aberdeen which would currently not meet the emissions limit (ie any Taxis manufactured before 2016 or euro 5 engine spec); (b) indicated that there was a very high number of these vehicles operating in the Aberdeen fleet due to the lack of work during Covid and mileage not being as high as it normally would be; (c) explained that the number of taxis in general was perceived to be low and losing these vehicles would have a detrimental effect on the service the trade could provide; (d) advised that a lot of drivers were saying if they had to replace their vehicle they would drop out of the trade completely, therefore a 2 year exemption would really help drivers recover and be in a better position to prepare for the new low emission zones; and (e) indicated that Blue badge holders had been given an exemption by ACC and the wheelchair accessible vehicle drivers provided a valuable service to members of the public who were infirm or wheelchair bound.

**The Consultation Group resolved:-**

to note that a report was to be considered by the Licensing Committee meeting on 6 September 2023, relating to an additional time-limited exemption from the Low Emission

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP  
30 August 2023

Zone which had been granted to drivers of taxis and private hire cars. (Report can be found [here](#) at item 8.1).

**REMOVAL OF SECTION 30 ON THE USE OF SCANNERS - PETER CAMPBELL**

9. The Consultation Group had before it a request submitted by Peter Cambell to remove Section 30 on the use of scanners.

The paper (a) advised that he was seeking the removal of Section 30 of the taxi driver licence conditions which related to the use of scanners, as it was outdated and not required anymore, given that no current taxi firms use CB radios and therefore work could not be intercepted by anyone with a scanner device; and (b) indicated that on the flip side, a lot of taxi drivers had been using a Radio App called Zello on their mobile phones to keep in contact, unfortunately however, the Enforcement Officer had indicated that he classed this App as a scanner and therefore the use of it in taxis would be a breach of their licence.

**The Consultation Group resolved:-**

to note that the Licensing Team would investigate the request submitted by Peter Cambell and would advise members accordingly at a future meeting if deemed necessary.

**REVIEW OF THE PUBLISHED WAV SPECIFICATIONS FOR PUBLIC HIRE VEHICLES - CHRIS DOUGLAS**

10. The Consultation Group had a paper before them submitted by Chris Douglas which sought a review of the published Wheelchair Accessible Vehicle (WAV) specifications for public hire vehicles.

Chris Douglas made reference to his paper advising that he was seeking a possible review of the published WAV specifications for public hire vehicles to update the guidance to be in line with current taxi and private hire Equality Act 2022 legislation. He indicated that this would offer drivers some certainty when investing in a vehicle and working towards a mixed fleet policy. He intimated that this would offer absolute clarity to drivers on what the "list of approved type vehicles" was.

In response Sandy Munro, Licensing Team advised that a list of approved type vehicles would not cover vehicles which may have been converted or altered, therefore the dimensions would be different to Council guidance which was less stringent to that provided by the Scottish Government. He intimated that dimensions may be reviewed and consulted upon when addressing the mixed fleet situation to be reported to Committee, however at this time officers would not be kept on taking forward this request.

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP  
30 August 2023

Mr Munro provided an update on the timeframe for reporting on a mixed fleet indicating that it was the intention that a report in this regard would be submitted to Committee In December 2023.

**The Consultation Group resolved:-**

to note the request and the information provided, but to take no further action at this time.

**STREET KNOWLEDGE TEST - REQUEST TO AMEND ROUTES MODULES AND RESITS - RUSSELL MCLEOD**

11. The Consultation Group had before it a paper from Russel McLeod which sought consideration to amend routes modules and resits of the Street Knowledge Test.

Russell McLeod spoke to his paper and advised that currently the Street Knowledge Test pass marks were 75%, however on the Routes module, applicants were given five routes, of which they must get four correct. He intimated that the taxi trade believed that this should be reduced to four routes, with applicants having to get three out of four correct, which would make the whole test pass rate 75%. In addition, he requested that consideration be given to allow applicants who have passed two out of four modules be allowed to re-sit the other two, rather than one failed module currently. He explained that the taxi trade did not feel that this diluted the test and if an applicant only scored 20/40 on first occasion, then 31/40, on second, they effectively have been given 51 correct answers. Therefore we need to encourage applicants to keep going and not to discourage them from succeeding.

On the same topic, Mr McLeod sought to ascertain whether there was a way that the Council could assist with recruitment of Taxi Drivers by possibly advertising on their website (Taxi & Private Hire section) to encourage potential Taxi Drivers, given that there are Taxi Schools in Aberdeen that could help them to reach a level where they could pass the Aberdeen Street Knowledge Test.

**The Consultation Group resolved:-**

to note that the Licensing Team would look to reduce the Routes module to four routes instead of five but will take no further action on other modules of the Street Knowledge Test at this time.

**TAXI DRIVER / VEHICLE LICENCES - RUSSELL MCLEOD**

12. The Consultation Group had before it a paper from Russell Mcleod in relation to Taxi Driver and Vehicle Licences which advised that there still seemed to be a lengthy back log of licences being sent to drivers, which had caused issues with drivers renewing insurance.

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP  
30 August 2023

Mr McLeod spoke to his paper and sought to ascertain whether there was any way that this could be accelerated.

Sandy Munro, Licensing Team acknowledged that there had been delays in issuing licences due to resource restrictions and that he would make enquiries to resolve the situation.

**The Consultation Group resolved:-**

to note that officers would look into the matter in order to improve the situation.

**LEZ COMPLIANCE - EXEMPTION PERIOD - RUSSELL MCLEOD**

13. The Consultation Group had before it correspondence from Russell McLeod in relation to LEZ Compliance and an Exemption period. It explained that there seemed to be general knowledge circulating that taxis were to be given a 12 month extension to comply with LEZ compliance due in June 2024, and sought clarification in this regard.

**The Consultation Group resolved:-**

- (i) to note that this item had been dealt with under article 8 of this minute; and
- (ii) to otherwise note that there would be an exemption for taxi and private hire vehicles which would only apply for one year and drivers were expected to use this additional time to ensure vehicles were fully compliant by 1 June 2025.

**LWB WAV - RUSSELL MCLEOD**

14. The Consultation Group had before it correspondence from Russell McLeod relating to Long Wheeled Based WAV Vehicles.

Russell McLeod spoke to his paper advising that he had recently purchased LWB WAV vehicles, which were capable of conveying four passengers plus a wheelchair passenger, therefore five passengers in total. He sought to ascertain whether there was a way that this could be stated on the vehicle plate, noting that simply stating that the vehicle was licenced to carry five passengers may cause confusion.

In response, Dave McKane, Licensing Team clarified the position by advising that if the vehicle was capable of carrying four seated passengers and one wheelchair passenger, then the vehicle licence would state five passengers in total.

**The Consultation Group resolved:-**

to note the information provided.

**PORT OF ABERDEEN SOUTH HARBOUR TAXI ARRANGEMENTS UPDATE -  
VYCKI RITSON**

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP  
30 August 2023

15. The Consultation Group had before it a briefing paper by Vycki Ritson, Roads Team which provided an update in relation to the taxi and private hire car operations at the Port of Aberdeen South.

The briefing paper advised (a) that the first cruise ship called at Port of Aberdeen South on 2 May 2023; (b) that prior to this call, advice had been provided by the Port that, due to ongoing works within the site, all taxi and private hire pick ups and drop offs from the site would be undertaken within the site; (c) that it was stipulated that these were preorganised journeys only, with all vehicles being required to report to security for marshalling within the site and that the Port indicated that this system would remain in place for the remainder of the season; (d) that following the initial call at the site, this process seemed to work for all involved, however refinement of the site layout was required based on this first experience; (e) that this arrangement had been operating throughout the season though advances had been made to the harbour construction which had resulted in all quays now being operational; (f) that work was ongoing within the site, and the surrounding footway and road network was nearing completion with the official opening now being announced 22 September 2023; and (g) that with this first season nearing completion and the works around the site progressing well, officers would now engage with the Port to develop an operational plan for the coming year which would include any necessary traffic regulation orders that would be required for the surrounding road network.

**The Consultation Group resolved:-**  
to note the update.

### **NIGHT TIME TAXI RANKS**

16. The Consultation Group heard from Russell McLeod who provided an update on the situation relating to the night time ranks and the work of the Taxi Marshalls.

Mr McLeod wished to thank the Taxi Marshalls for the work they have undertaken to clear people from the side ranks and onto the night time ranks on Union Street, indicating that reports being fed back by drivers in this regard had been positive.

Gary Ewen, Taxi Marshall Team sought to ascertain whether the operating times could be extended, specifically that Taxi Marshalls commence duties at 11.45pm on a Saturday night so that staff could be deployed and ready to start at 12am, noting also that they work till 4am but the ranks on Union Street do not close until 5am.

PC Ian Duthie acknowledged that there may be budgetary constraints, but was supportive of the request to extend Taxi Marshall operating times in conjunction with the closure times of licensed premises.

**The Consultation Group resolved:-**

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP  
30 August 2023

- (i) to thank the Taxi Marshall Team for their work to improve the situation for all concerned at the night taxi ranks; and
  - (ii) to note that Sandy Munro would liaise with City Warden Team colleagues in relation to the issues raised above.
- **COUNCILLOR STEVE DELANEY, Acting Chairperson.**



	A	B	C	D	E	F	G	H	I
1	<b>LICENSING COMMITTEE BUSINESS PLANNER</b>								
	The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting.								
2	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference Number	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
3			<b>12 December 2023</b>						
4	Annual Committee Effectiveness Report	To present the Annual Committee Effectiveness Report		Mark Masson	Governance	Commissioning	GD 8.5		
5	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	16.3	<b>D</b>	Delayed due to procurement issues - estimated April
6	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	16.3	<b>D</b>	Delayed for further discussion with the trade - Feb/Apr
7	Taxi Driver Training	Licensing Committee 19/2/19 agreed to instruct the Chief Officer – Governance to continue to investigate training programmes for taxi and private hire drivers and report back to the Committee in this regard as and when appropriate.	On 6/9/23, the Committee noted the reason for the delay on the planner as follows:- that Officers were still working on finding viable options for training providers. It was hoped that a report would be submitted to the next meeting in December.	Sandy Munro	Governance	Commissioning	16.3	<b>D</b>	Discussions ongoing with training providers - Feb.
8	Short Term Lets Application - Licensing Process	The purpose of this report is to advise members on the recent issues surrounding Short Term Lets Applications and to agree a way forward to consider these and other urgent and/or deferred applications		Mark Masson	Governance	Commissioning	16.3		
9			<b>21 February 2024</b>						



## ABERDEEN CITY COUNCIL

<b>COMMITTEE</b>	Licensing Committee
<b>DATE</b>	12 December 2023
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Short Term Lets Applications - Licensing Process
<b>REPORT NUMBER</b>	COM/23/377
<b>DIRECTOR</b>	Gale Beattie
<b>CHIEF OFFICER</b>	Jenni Lawson
<b>REPORT AUTHOR</b>	Mark Masson
<b>TERMS OF REFERENCE</b>	16.3

### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise members on the recent issues surrounding Short Term Lets Applications and to agree a way forward to consider these and other urgent and/or deferred applications.

### 2. RECOMMENDATIONS

That the Committee:-

- 2.1 agree the way forward as outlined in Section 3 of this report for a four month period only (1 January 2024 until 30 April 2024);
- 2.2 to note that following the above time period, arrangements would be expected to revert back to the current process for considering all licensing applications and the membership of the Licensing Sub Committee.

### 3. CURRENT SITUATION

#### Short Term Lets (STLs)

- 3.1 On 6 September 2022, the Committee considered a report by the Director of Customer Services which sought approval for a Short Term Lets policy to allow the Council to licence short-term lets in Aberdeen under the 'Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022'.
- 3.2 The Committee resolved to:-
- (a) approve the Short Term Lets Policy with effect from 1 October 2022 in Appendix 1;
  - (b) approve the proposed Additional Licence Conditions with effect from 1 October 2022 in Appendix 2;
  - (c) approve the Temporary Licence statement with effect from 1 October 2022 in Appendix 3; and

- (d) approve the Temporary Exemption statement with effect from 1 October 2022 in Appendix 4;
  - (e) that a report providing details in relation to the number of registered licence holders and any challenges in respect of the policy be submitted to the Committee in nine months' time; and
  - (f) that a review of the policy be undertaken 12 months from the implementation date (1 October 2022), with a report being submitted to Committee thereafter.
- 3.3 Officers in the Private Sector Housing Team have been processing applications and have been granting many under delegated powers, however there has been a large volume of applications (27 as of 30 October 2023 including multiple representations) which must be considered by the Licensing Committee as they have either received representations/objections and/or the necessary upgrading work and certification had not been completed for the premises.
- 3.4 Due to the large number of applications which require Committee consideration, officers are suggesting that it may be more beneficial and less time consuming at Committee meetings, to schedule at this time, three Licensing Sub Committee meetings in January/February 2024 (plus any additional Licensing Sub Committee meetings as required in terms of 3.5 below) to consider Short Term Let applications, but also applications which are deemed urgent by the Licensing Team and/or have been deferred by the Committee, with dates and times to be agreed by the Convener. This would also ensure that applications continue to be determined within the statutory timeframe allowed by the Civic Government (Scotland) Act 1982.
- 3.5 Members of the Committee will be aware that the number of applicants, their agents and those submitting representations who may wish to attend Committee meetings is often unknown to officers/elected members, therefore it is difficult to ascertain, with any degree of certainty, how long meetings may last and how many additional meetings of the Sub Committee may be required to address the STL application situation. However, officers are suggesting that the Private Sector Housing Manager, following consultation with the Legal Adviser, the Clerk and the Convener and Vice Convener of the Committee would determine an appropriate number of items for each agenda based on the number of representations submitted and whether any subsequent Sub Committee meetings may be needed in March and April.

### **Licensing Sub Committee**

- 3.6 There are seven members of the Licensing Sub Committee, these being, the Convener, the Vice Convener and Councillors Boulton, Copland, Lawrence, MacGregor and McLeod. The Sub Committee has a political balance of 3+1+1+1+1.
- 3.7 The Sub Committee acts as the Licensing Committee in respect of applications referred by the Licensing Committee, or where there are items of urgent business to be determined. Members of the Sub Committee must be members of the Licensing Committee and the quorum is 3 members.

3.8 Officers are suggesting that in order to address the current situation relating to the large volume of STLs and to ensure that all members of the Licensing Committee share the responsibility of considering these and any other licensing applications which may need to be determined, that for the period of 1 January 2024 until 30 April 2024 the Sub Committee consist of any member of the Committee, but to retain the current political balance as stated at 3.6 above.

Proposed process:-

- The Clerk would email all members of the Committee prior to each Sub Committee meeting, seeking volunteers;
- The Clerk would provide a deadline for responding, following which, he would confirm the membership of the Sub Committee for that meeting on a first come basis, up to 7 members;
- An agenda would be issued to those members who had responded, which may not be 7 members, but noting that the quorum would be 3 members;
- There would be no follow up emails unless the quorum number of 3 members had not been reached; and
- The Convener would chair each Sub Committee meeting, whom failing, the Vice Convener.

3.9 All minutes of the Licensing Sub Committee would continue to be submitted to the Committee for approval.

#### 4. FINANCIAL IMPLICATIONS

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

#### 5. LEGAL IMPLICATIONS

5.1 The Civic Government (Scotland) Act 1982 sets out the timeframe for Licensing Authorities to determine applications. If applications are not determined within the statutory timeframe then they are deemed to be granted without conditions.

#### 6. ENVIRONMENTAL IMPLICATIONS

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

#### 7. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation	*Does Target Risk Level Match Appetite Set?
Strategic Risk	N/A			Yes

<b>Compliance</b>	Failure to agree a solution would mean that there would be a requirement to schedule Special Committee meetings	L	The Committee is given the opportunity to consider the report and provide feedback or alternatives.	Yes
<b>Operational</b>	N/A			Yes
<b>Financial</b>	N/A			Yes
<b>Reputational</b>	N/A			Yes
<b>Environment / Climate</b>	N/A			Yes

## 8. OUTCOMES

- 8.1 There are no links to the Council Delivery Plan, however the committee effectiveness annual reports link to the Scheme of Governance, by ensuring that each committee is fulfilling its Terms of Reference.

## 9. IMPACT ASSESSMENTS

Assessment	Outcome
<b>Impact Assessment</b>	It is confirmed by Interim Chief Officer – Governance (Assurance), Vikki Cuthbert, that no impact assessment is required.
<b>Data Protection Impact Assessment</b>	Not required

## 10. BACKGROUND PAPERS

- 10.1 Report:- Short Term Lets - New Licensing Powers - CUS/22/191

## 11. APPENDICES

- 11.1 None

## 12. REPORT AUTHOR CONTACT DETAILS

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 Committee Services Officer  
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 01224 067556

## ABERDEEN CITY COUNCIL

<b>COMMITTEE</b>	Licensing Committee
<b>DATE</b>	12 December 2023
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Committee Annual Effectiveness Report
<b>REPORT NUMBER</b>	COM/23/321
<b>DIRECTOR</b>	Gale Beattie
<b>CHIEF OFFICER</b>	Vikki Cuthbert
<b>REPORT AUTHOR</b>	Mark Masson
<b>TERMS OF REFERENCE</b>	GD 8.5

### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to present the annual report of the Licensing Committee to enable Members to provide comment on the data contained within.

### 2. RECOMMENDATIONS

That Committee:-

- 2.1 provide comments and observations on the data contained within the annual report; and
- 2.2 note the annual report of the Licensing Committee.

### 3. CURRENT SITUATION

#### **Annual Reports on Committee Terms of Reference**

- 3.1 The annual committee effectiveness reports were introduced in 2018/19 following a recommendation from the Chartered Institute of Public Finance and Accountancy (CIPFA) as part of the Council's work towards securing that organisation's accreditation in governance excellence. The Terms of Reference set out that each Committee will review its own effectiveness against its Terms of Reference through the mechanism of the annual report.
- 3.2 The annual effectiveness reports were mentioned by CIPFA in their report which awarded the Mark of Excellence in Governance accreditation to Aberdeen City Council. CIPFA highlighted the implementation of the annual effectiveness reports as a matter of good practice in governance and were encouraged that, during consideration of the reports at Committee and Council, Members had made suggestions for improvements to the reports in future years.
- 3.3 Data from the annual effectiveness reports is used to inform the review of the Scheme of Governance, ensuring that Committee Terms of Reference are

correctly aligned, and identifying any areas of the Terms of Reference which had not been used throughout the year in order that they can be reviewed and revised if necessary. The information from the effectiveness reports has also been used in the past to feed into the Annual Governance Statement.

- 3.4 The reports provide a mechanism for each committee to annually review its effectiveness, including data on attendance, any late reports, referrals to Council and the number of times officer recommendations were amended, and to ensure that it is following its Terms of Reference.
- 3.5 Similarly, recording the sections or stretch outcomes of the Local Outcome Improvement Plan (LOIP) which apply to each report allows Members to be aware of the direct impact of any proposals before them on the LOIP, and gives a general overview at the end of each year of the number of reports which have had an impact on the LOIP stretch outcomes.
- 3.6 The annual effectiveness reports were delayed to allow the newly established Committees to have a full year of data to report.
- 3.7 Any comments from Members on areas of data that should be considered would be welcomed to ensure that Members are presented with meaningful data.
- 3.8 The annual report for 2022/2023 is therefore appended for the Committee's consideration. Following consideration by the Committee, the report will be submitted to Full Council in December for noting.

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

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

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

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

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

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

#### **7. MANAGEMENT OF RISK**

<b>Category</b>	<b>Risk</b>	<b>Low (L) Medium (M) High (H)</b>	<b>Mitigation</b>	<b>*Does Target Risk Level Match Appetite Set?</b>
<b>Strategic Risk</b>	N/A			Yes



<b>Compliance</b>	Failure to submit this report would mean that the Council would not be complying with its instruction that all committees and Full Council receive such a report each year.	L	Council is given the opportunity to consider the reports and provide feedback on any amendments Members would wish to see in the content so that this can be taken on board for next year's Scheme of Governance review.	Yes
<b>Operational</b>	N/A			Yes
<b>Financial</b>	N/A			Yes
<b>Reputational</b>	N/A			Yes
<b>Environment / Climate</b>	N/A			Yes

## 8. OUTCOMES

- 8.1 There are no links to the Council Delivery Plan, however the committee effectiveness annual reports link to the Scheme of Governance, by ensuring that each committee is fulfilling its Terms of Reference.

## 9. IMPACT ASSESSMENTS

Assessment	Outcome
<b>Impact Assessment</b>	It is confirmed by Interim Chief Officer – Governance (Assurance), Vikki Cuthbert, that no impact assessment is required.
<b>Data Protection Impact Assessment</b>	Not required

## 10. BACKGROUND PAPERS

None.

## 11. APPENDICES

- 10.1 Licensing Committee Annual Effectiveness Report 14 October 2022 to 14 October 2023

## 11. REPORT AUTHOR CONTACT DETAILS

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# Licensing Committee Annual Effectiveness Report 2022/2023



## Contents

1. Introduction from Convener.....	3
2. The Role of the Committee.....	4
3. Membership of the Committee during 2022/2023 .....	5
4. Membership Changes .....	6
5. Member Attendance .....	6
6. Meeting Content.....	7
7. Reports and Decisions .....	8
8. Reports with links to the Local Outcome Improvement Plan .....	9
9. Training and Development .....	9
10. Code of Conduct Declarations and Transparency Statements .....	9
11. Civic Engagement .....	9
12. Executive Lead to the Committee - Commentary .....	9
13. The Year Ahead .....	10
Appendix 1 – Local Outcome Improvement Plan Stretch Outcomes .....	11

## 1. Introduction from Convener

- 1.1 It is with great pleasure I present the fourth annual effectiveness report for the Licensing Committee. This annual report is a good mechanism for the Committee to reflect on the business of the Committee over the past year.
- 1.2 In terms of the business over the last year, the Committee has managed to work on line and in person, working collectively to ensure that its decision-making process was open and transparent, and all parties treated fairly and equally. It was also encouraging to see the responses to the public consultations as a result of greater use of all media channels.
- 1.3 The Committee has also been proactive in reviewing Policy and seeking assurance that it was operating in accordance with legislation and best practice and I am confident that this will continue into the year ahead.



Councillor Gill Al-Samarai  
Convener – Licensing Committee

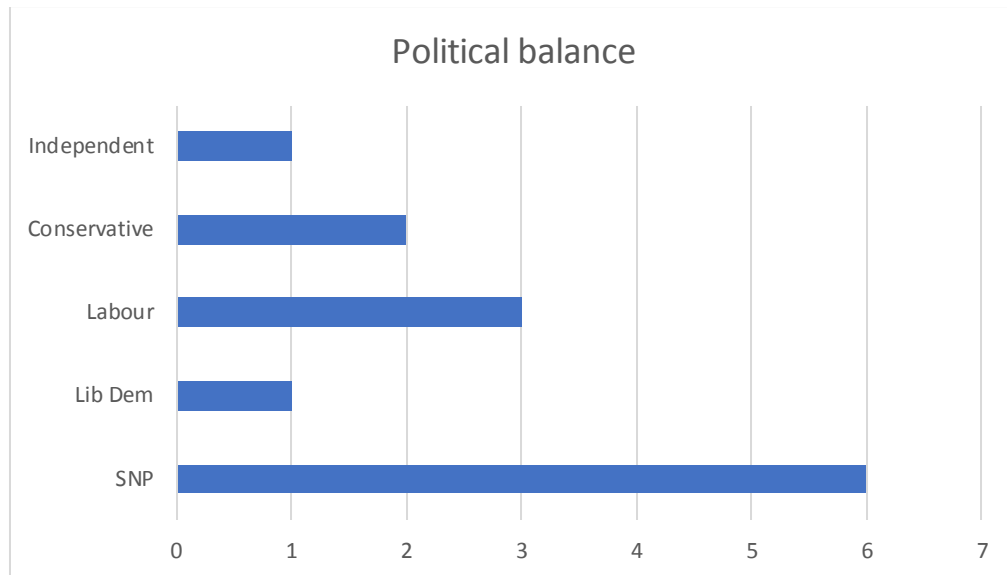
## 2. The Role of the Committee

- 2.1 The Purpose of the Licensing Committee is to deal with the functions of the Council in relation to all licensing matters under the Civic Government (Scotland) Act 1982 and all other Acts (not falling specifically within the remit of the Licensing Board or any other Committee) covering personal or other licences, certificates and permits. This includes but is not restricted to applications for Mandatory and Discretionary Licences under Civic Government (Scotland) Act 1982; and Miscellaneous Licences under other Legislation.
- 2.2 The Remit of the Committee is as follows:-
1. determine applications for the grant, renewal, revocation, variation or suspension of any licence as appropriate;
  2. determine applications and reviews for Houses in Multiple Occupation under the Housing (Scotland) Act 2006 (the responsibility for all other matters relating to the licensing of Houses in Multiple Occupation resting with the Communities, Housing and Public Protection Committee);
  3. determine all other matters relating to licensing including the setting of taxi fares and the designation of taxi stances;
  4. approve and monitor the Council's functions under the Safety of Sports Grounds Act 1975;
  5. determine landlord registration applications under the Antisocial Behaviour Etc (Scotland) Act 2004;
  6. determine film classifications under the Cinemas Act 1985;
  7. determine theatre licences under the Theatres Act 1968; and
  8. determine which of the optional licences they will invoke and which categories of activity within those licence categories shall be licenced under the Civic Government (Scotland) Act 1982.

### 3. Membership of the Committee during 2022/2023

3.1 The Licensing Committee has 13 members.

3.2 The Committee composition is presented below:-



## 4. Membership Changes

- 4.1 There were a number of changes to the membership throughout the reporting period. Councillor Malik replaced Councillor Crockett on 27 June 2023 and Councillors Ali, Grant and Lawrence replaced Councillors Graham, Malik and Tissera from 29 August 2023.

## 5. Member Attendance

<b>Member</b>	<b>Total Anticipated Attendances</b>	<b>Total Attendances</b>	<b>Substitutions</b>
Councillor Al-Samarai (Convener)	7	7	
Councillor Delaney (VC)	7	7	
Councillor Ali	1	1	
Councillor Boulton	7	6	
Councillor Clark	7	7	
Councillor Fairfull	7	7	
Councillor Farquhar	7	7	
Councillor Grant	1	0	
Councillor Henrickson	7	7	
Councillor Lawrence	1	1	
Councillor MacGregor	7	6	
Councillor McLeod	7	7	
Councillor Van Sweeden	7	5	Councillor McRae & Cooke
Councillor Crockett	6	5	
Councillor Graham	6	5	
Councillor Tissera	6	4	Councillor Malik
Councillor Malik	1	0	



## 6. Meeting Content

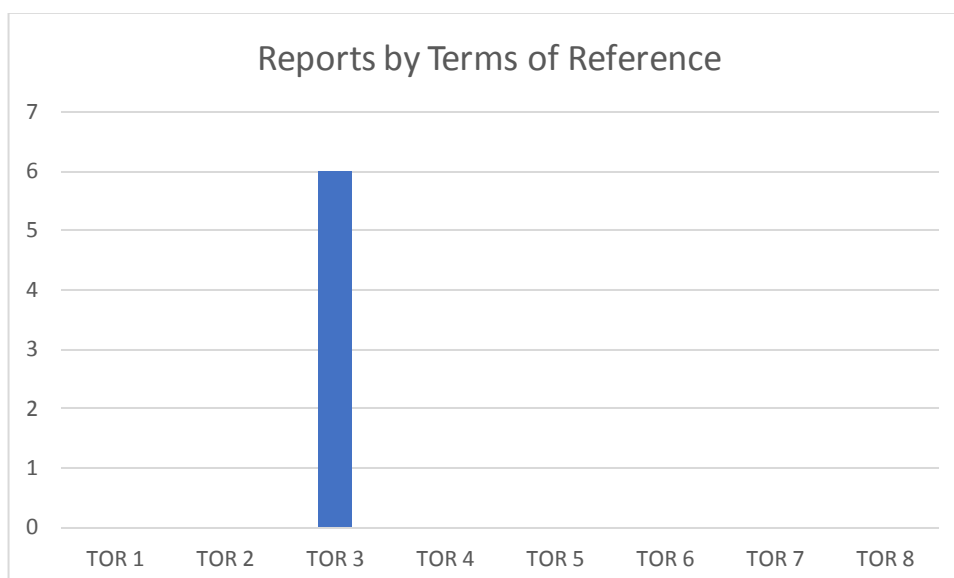
6.1 During the 2022/2023 reporting period (14 October 2022 to 14 October 2023), the Committee had 7 meetings, 1 of which was a Special Meeting and considered a total of 6 reports.

6.1.1 The Committee also considered 63 applications, 23 Requests for Exemption from Committee Policy and 6 Complaints made against licence holders.

6.1.2 There was only 1 meeting of the Licensing Sub Committee during the reporting period which was held on 7 August 2023 to consider a relaxation of taxi zones for Offshore Europe 2023.

### 6.2 Terms of Reference

6.2.1 The following chart details how reports aligned to the Terms of Reference (set out at section 2 above) for the Committee.



6.2.2 During the course of 2022/2023 the Committee received reports under only one of its main Terms of Reference (TOR 3 – to determine all other matters relating to licensing including the setting of taxi fares and the designation of taxi stances).

6.2.3 As you would expect, the majority of the other remits of the Committee’s Terms of Reference were reported to the Committee by means of licensing applications, requests for exemption from Policy and Complaints. This would indicate that the Committee has discharged its role throughout the course of the reporting period.

6.2.4 As the committee structure was reviewed in late 2022, very few changes to the Terms of Reference were made following the June 2023 Scheme of Governance review. Any changes made were generally to provide clarity where required and ensure consistency between committees. The new Terms of Reference will continue to be

monitored throughout the year, in preparation for the 2024 Scheme of Governance review.

## 7. Reports and Decisions

7.1 The following information relates to the committee reports and Notices of Motion presented to Committee throughout the reporting period, as well as the use of Standing Orders and engagement with members of the public.

	Total	Total Percentage of Reports
Confidential Reports	0	N/A
Exempt Reports	0	N/A
Number of reports where the Committee amended officer recommendations	0	N/A
Number of reports approved unanimously	5	83.3%
Number of reports or service updates requested during the consideration of another report to provide additional assurance and not in business planner	1	16.7%
Number of reports delayed for further information	0	N/A
Number of times the Convener has had to remind Members about acceptable behaviour in terms of the Code of Conduct	0	N/A
Late reports received (i.e. reports not available for inspection at least 3 clear days before the meeting)	0	N/A
Number of referrals to Council under SO 34.1	0	N/A

Notices of Motion, Suspension of Standing Orders, Interface with the Public	
Number of Notices of Motion to Committee	0
Number of times Standing Orders suspended	0
Specific Standing Orders suspended	N/A
Number of deputations requested	2
Number of deputations heard	2
Number of petitions considered	0

## 8. Reports with links to the Local Outcome Improvement Plan

- 8.1 All six reports considered by the Committee had no impact to the Local Outcome Improvement Plan.

## 9. Training and Development

- 9.1 Training was provided for Councillors prior to their first meeting as members of the Committee.
- 9.2 Further development opportunities will be considered for next year based on Committee business throughout the year, Executive Lead proposals and Member feedback on what may be required to assist them in performing their roles.

## 10. Code of Conduct Declarations and Transparency Statements

- 10.1 8 declarations of interest and 2 transparency statements were made by Members during the reporting period. Information in respect of declarations of interest and transparency statements is measured to evidence awareness of the requirements to adhere to the Councillors' Code of Conduct and the responsibility to ensure fair decision-making.

## 11. Civic Engagement

- 11.1 The Committee's focus throughout the reporting period has largely been on compliance with the licensing legislation. A number of public consultations have been undertaken by the Committee in order to engage with the wider public to inform the development and approval of policy, in particular regarding Street Trading at the beachfront and various taxi policies. In doing so, there has been greater use of all available media channels to increase participation and ensure a wider audience and range of responses.
- 11.2 The Committee also liaises directly with representatives of the taxi and private hire car vehicle trade by way of the Council's Taxi and Private Hire Car Consultation Group throughout the year to discuss matters of interest to the trade. The Committee agreed to increase the frequency of those meetings starting next year. Any recommendations from the Consultation Group were considered by the Committee.
- 11.3 The Committee has also engaged with statutory partners such as Police Scotland, Scottish Fire and Rescue Service, Roads Authority, Environmental Health and Building Standards to ensure all public safety matters are being brought to the Committee's attention.

## 12. Executive Lead to the Committee - Commentary

- 12.1 The Committee would appear to be working effectively noting that:-

- Any delays in considering reports were as a result of additional information being requested to ensure all decisions are fully informed;
  - One of the main terms of reference was engaged;
  - All applications were considered by the Committee in accordance with the statutory requirements; and
  - All committee reports were able to be considered in public;
- 12.2 No late reports were submitted to the Committee showing evidence that Committee business was being appropriately managed and scheduled.
- 12.3 All applications were determined under delegated powers or referred to Committee within statutory time limits. Additional online facilities have been introduced to assist applicants to minimise any disruption caused by licensing officers having to work outwith the Council offices.
- 12.4 Throughout the next reporting period we will continue to review the Committee's business against the Terms of Reference and any changes proposed will be considered as part of the annual review of the Council's Scheme of Governance.

## 13. The Year Ahead

- 13.1 The Committee will continue to discharge functions by licensing legislation with any changes to existing legislation, or new legislation being reported to the Committee in a timely manner. Policies will also be kept under review and consulted upon, where applicable, to ensure they remain fit for purpose; comply with legislation and align to the Council's strategies (including the refreshed Local Outcome Improvement Plan).
- 13.2 In considering the review of policies when required by legislative changes as well as matters arising from the business planner the Committee will continue to consider how those decisions can integrate with and support the Council's Policy Statement. This will include ensuring the taxi and private hire trade play an important part in the local transport strategy and are well placed to contribute to the accessibility of all parts of the city to visitors and residents alike, and that all licensable activity is carried out in a manner designed to safeguard public safety.
- 13.3 In terms of legislation, licensing income must be generally equivalent to licensing expenditure. The Committee is responsible for the setting of taxi fares and a report on the review of the existing taxi fare formula, including surcharges, was submitted for the Committee's consideration in 2023.
- 13.4 Annual refresher training covering all areas of the Committee's Terms of Reference will be provided.
- 13.5 A new licensing regime for Short Term Lets came into force on 1 October 2023 and this will result in new applications coming before Committee and the regime will be monitored to ensure the licensing objectives are being upheld.

## Appendix 1 – Local Outcome Improvement Plan Stretch Outcomes

<b>Economy</b>	
1.	No one will suffer due to poverty by 2026
2.	400 unemployed people supported into fair work
3.	500 people skilled/ reskilled
<b>People (Children &amp; Young People)</b>	
4.	95% of children will reach their expected developmental milestones
5.	90% of children and young people will report that their experiences of mental health and wellbeing have been listened to
6.	95% of care experienced children and young people will have the same levels of attainment in education, health and emotional wellbeing, and positive destinations as their peers
7.	95% of children living in our priority neighbourhoods will sustain a positive destination upon leaving school
8.	Child friendly city where all decisions which impact on children and young people are informed by them
9.	30% fewer young people (under 18) charged with an offence
<b>People (Adults)</b>	
10.	25% fewer people receiving a first ever Court conviction and 2% fewer people reconvicted within one year
11.	Healthy life expectancy (time lived in good health) is 5 years longer
12.	Rate of harmful levels of alcohol consumption reduced by 4% and drug related deaths lower than Scotland
<b>Place</b>	
13.	Addressing climate change by reducing Aberdeen's carbon emissions by at least 61% and adapting to the impacts of our changing climate
14.	Increase sustainable travel: 38% of people walking and 5% of people cycling as main mode of travel
15.	Addressing the nature crisis by protecting/ managing 26% of Aberdeen's area for nature by 2026
<b>Community Empowerment</b>	
16.	100% increase in the proportion of citizens who feel able to participate in decisions that help change things for the better by 2026

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<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 start</b>
HMO Application (Renewal)	Gordon Brown	13 Affleck Street, Aberdeen	Private Sector Housing Team	19 January 2024	49
HMO Application (Renewal)	Natasha Kochhar	13 Orchard Street, Aberdeen	1 Objection	06 August 2024	53
Short Term Let Application (Existing Operator)	Mercy Olatunbosun Brown	Flat 34 Fraser House, 9 Market Street, Aberdeen	3 Objections	17 May 2024	59
Exemption Request - Late Hours Catering Licence	Morrisons Petrol Filling Station	West North Street Aberdeen	Legal	N/A	87
Exemption Request – Street Knowledge Test	Deborah Margaret Elrick	N/A	Legal	N/A	91
Taxi Renewal - T130	Ferdi Kahraman	N/A	Legal	29 January 2024	95
Complaint	Mame Leye Mbaye	N/A	Legal	N/A	97
Complaint	William Cameron	N/A	Legal	N/A	99

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## LICENSING COMMITTEE INFORMATION SHEET

12 December 2023

### Public Application

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

**APPLICANT:** GORDON BROWN

**ADDRESS:** 13 AFFLECK STREET, ABERDEEN

**AGENT:** NONE

#### INFORMATION NOTE

- Application Submitted 19/01/2023
- Determination Date 18/01/2024

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 12 December 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 12 December 2023. I will advise the Committee whether the applicant has satisfactorily completed the necessary work and certification requirements.

#### DESCRIPTION

The property at No.13 Affleck Street, Aberdeen, is a mid-terraced property on three floors, providing accommodation of 8 letting bedrooms, kitchen, kitchen/lounge, shower room x 2, 1-bedroom ensuite and bathroom. The applicant has requested an occupancy of 8 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. 13 Affleck 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 No. 13 Affleck Street, Aberdeen.
- The extent of the above-mentioned work and certification requirements are as follows:
  - 1) A window in each room must be capable of being easily opened for ventilation. In this regard bedroom 6 tilt and turn window to be adjusted to operate correctly.
  - 2) Bedroom 8 door is to be adjusted to latch correctly.
  - 3) The failed double-glazed units located in bedroom4, bedroom 5 (x2) and kitchen located in the lower ground floor are to be renewed.
  - 4) The broken window handle located on the right-hand mezzanine floor shower room window is to be replaced.
  - 5) The following documentation to be submitted for inspection:
    - Electrical Installation Condition Report, which meets the requirements of BS 7671.

- Gas Safety Certificate, detailing all gas appliances and carbon monoxide detectors (annually).

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## LICENSING COMMITTEE INFORMATION SHEET

12 December 2023

### Public Application

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

**APPLICANT:** NATASHA KOCHHAR

**AGENT:** NONE

**ADDRESS:** 13 ORCHARD STREET, ABERDEEN

### INFORMATION NOTE

- Application Submitted 07/08/2023
- Determination Date 06/08/2024

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

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

### DESCRIPTION

The property at No.13 Orchard Street, Aberdeen, is the subject of this renewal HMO licence application and its accommodation is a first floor, flatted property with 3 letting bedrooms, lounge, kitchen, bathroom, with stair access to rear garden. The applicant wishes to accommodate a maximum of 3 tenants, which is acceptable to the HMO Unit in terms of space and layout. The location of the premises is shown on the plan attached as Appendix A.

### CONSULTEES

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

### REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- One objection letter from Euan Thompson (Attached as Appendix B)
- One representation email from Natasha Kochhar (Attached as Appendix C)

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

## COMMITTEE GUIDELINES/POLICY

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

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

## GROUNDS FOR REFUSAL

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

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

## OTHER CONSIDERATIONS

- The applicant is registered as a landlord with this Council and their registration includes No.13 Orchard Street.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) have one record of an email noise complaint in respect of No.13 Orchard Street, on 16 November 2020. The ASBIT team advised the complainant of current ASBIT operational procedure and advised to use the service.
- All upgrading work required by the HMO Officer, including certification, has not yet been completed.
- There are currently 19 HMO licensed properties in Orchard Street, ie. No.3, 4, 5, 7, 9, 10, 10A, FFL 10, 2FR 10, 19, 21, 23, 29, 30D, 30K, 31, 37 and 39, along with 4 St Peters Place, Orchard Street.
- The applicant was first granted an HMO licence for No.13 Orchard Street in February 2014 and the application under consideration is the third renewal application.
- The letter of objection refers to flooring noise at No.13 Orchard Street. As part of the HMO application process, an Inspecting Officer will attend the property and an update on the flooring type will be provided to Committee.



'A'



'B'

Delivered by hand to Marischal College



Re HMO renewal  
13 Orchard Street  
HOUS537455589

Dear HMO Unit,

As the immediate neighbour under the property I would like to raise concerns regarding the renewal of the license as follows;

- Noise Pollution. The properties have no apparent sound insulation between them. This has always meant that a mutual respect and compromise is required between the properties. With the frequent changing tenants this sometimes has been hard to establish. However I recognise that when I have raised complaints with the landlord they have spoken with the tenants in the past to resolve. However the very recent change of tenant has resulted in a marked increase in loud impact noise coming from the floor of no. 13 and therefore I question if the floor covering have been changed resulting in this significant increase in noise. A quality underlay below good carpets would assist greatly
- Environmental Risk. The trees in the exclusive garden areas of No.13 have grown to a size that block light and are a potential hazard in terms of structure damage to the flats, to my garage and to the boundary walls. I have previously on separate occasions asked for the trees to be attended to.

If these issues could be addressed I would not have any issue with the renewal of the license.

Your sincerely,



Euan Thompson



Aberdeen City Council
Housing & Environment
DATE RECEIVED
2 8 AUG 2023



**From:** Natasha Kochhar [REDACTED]  
**Sent:** Thursday, November 23, 2023 5:11 PM  
**To:** HMOUnit [REDACTED]  
**Subject:** Re: HMO Application - 13 Orchard Street

Dear Jocelyn/Doug/HMO Unit

I can confirm receipt of this correspondence. Firstly, my sincere apologies for the delayed response, the initial email was not received. Please kindly confirm you have received this email.

I will join the Council Licencing Committee meeting via Teams on 12 December at 10am and look forward to answering any questions and alleviating any concerns with regards to the objection received. I will look forward to receiving the meeting invite details.

There are a few points I have made below, which I share for the Committee's further consideration and in response to the points made in the objection.

**Noise pollution:**

- There is a certain degree of noise transfer in these older terraced properties, I know having lived in the property as my home for many years that the direct neighbours below front door and radio can often be heard in some rooms from 13 Orchard Street, that has been the case since I purchased the property, and I understand is to be expected with these older terraced properties.
- There is carpet and underlay throughout the property hallways, lounge, and bedrooms, which I have maintained in good order, and which was replaced and upgraded two years ago to ensure that the quality was not diminishing. There have been no further changes to the flooring. The kitchen and flooring are vinyl laid, again this has not changed for many years aside and have been upgraded to maintain good quality.
- At new tenant check in and inspections, tenants are encouraged to be respectful of neighbours, be mindful of noise levels and we have not received complaints from other neighbouring properties in this regard.
- The property was unfortunately vacant for several months last year, it may be that while it was vacant the occupiers of the below premises got used to no day-to-day noise coming from the property. That may have led to them becoming more sensitive to the day-to-day noise but there has been no other change to the circumstances. I have had a successful HMO licence for many years.

**Environmental risk:**

- Now that a concern about the tree being a potential hazard has been raised, I will ensure a tree surgeon checks the safety of the tree as a priority. I think it is a beautiful tree and as a keen environmentalist I really do not favour the unnecessary cutting of trees.
- I have planted no trees, these have been at the property since purchase and are approximately 40 feet from the property, happy to provide photos if helpful.
- As a separate point, the trees also provide a better view and covers the slightly unsightly view of the cemetery over the boundary wall from the upstairs flat, something that the lower property does not have to contend with.

I hope that is helpful and I remain at your disposal for any further questions or queries.

Many thanks

Natasha Kochhar

## LICENSING COMMITTEE INFORMATION SHEET

12 December 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

Letter sent to Heather about about Intercom  
Connectivity and safe  
Vandalism

From: [REDACTED]  
Sent: 26 December 2022 09:53  
To: [REDACTED]  
Subject: Re: Issues with AirBnB guests and emergency exit door at Fraser House

Hello [REDACTED]

In addition to the last email I sent in reply to the complaints from one of the home owners, please note the followings:

I suffer from Anxiety and Panic attack disorder, Blood disorder and other related symptoms and recently menopausal symptoms, under equality act 2010 which I am protected by, I have a mental health disability. I am on medication and lifestyle management to manage this, this is the main reason I don't want my mobile phone connected to the intercom, because I don't want to receive calls at odd hours to provide access, this increases my anxiety, other residents had also complained of visitors trying to get into the building ringing their flat to gain access etc..

Installing a key safe is the only way I and my guest and family can access the building and my flat when they want to, its safe and convenient, I live far away from city centre and don't live in the building, my situation is different from other residents, I made this clear before I bought this property that I would be installing a key safe, I did not see or sign any document that this is not allowed.

Living in a building with shared amenities requires some level of tolerance and endurance, I am been put under pressure here to connect intercom to my mobile phone which I don't want because of health reasons, this constant bullying and harassment by other residents is making me ill and as I said in my last email, if these continues I will take it forward via police and legal system.

On the 5th of October this year, I was locked out of the building and could not gain access to the building to access my flat, One of the residents said that I have to use the intercom ??? I still don't know what this happened how and why this happened, if this was done deliberately or not ??

My safe was vandalized and removed from the wall few weeks ago, this is unacceptable and a theft and against the law

I have installed the same key safe that was removed and not a new one, this was installed in the other side of the building in a spot where there were existing holes, it does not bother or obstruct anyone.

I also notice that the people operating Airbnb business in Fraser house are all black people, is this a racially motivated harassment?

I don't have issue with [REDACTED] or yourself, I understand that you are passing on a message. I will appreciate if you can get the message across to this resident to live and let live because they don't pay my bills or pay for my property, in a civilized world this will be discussed and a compromise achieved, not vandalizing or causing harm to co-owner.

Please give me a call next time you are at work, I am open for discussion

Merry xmas

Kind regards  
[REDACTED]

Hi [REDACTED]

We hope you had a good Christmas and New Year.

We completely understand your position and your wish not to use the intercom system and are sorry that you have been harassed regarding this situation.

Please note that we have no authority to force you to register your number into the intercom, or remove the lockboxes. We simply wanted to pass along the concerns of other residents. They also have a right to feel safe within the buildings which unfortunately has not been the case earlier in the year (although thankfully the instances of anti-social behaviour seems to have settled down).

The factor is only in place to manage the maintenance of the development, not police the actions of owners/residents. This really should be a discussion between owners directly rather than through ourselves as we don't actually have the authority to enforce things like not installing lockboxes.

Again, we apologise that this has caused you undue stress and hope that this matter can be settled between residents.

Kind regards,  
[REDACTED]

Development Manager  
Aberdeen Office

Screen shots from my airbnb website showing the types of guests I receive in my flat my flat does not host sex workers,

Hi there! We're travelling from the US for my cousin's wedding at Jan 22. We'll get to Aberdeen sometime in the morning on the 23rd and we'd check in whenever the Airbnb is available. We'll be leaving pretty early on flight. It will be our first trip to Scotland and we're looking forward to exploring in Aberdeen!

Request received

5.0 rating from 5 reviews

Identity verified

Joined Airbnb in 2019

OR

Show profile

Hi Mercy, I will be driving up with a colleague, so I will ask him what time he wants to set off closer to the date. I am performing in His Majesty's Theatre

Booking confirmed

I'm traveling to Aberdeen, Scotland to appreciate the beautiful fall scenery, and visit some of the areas historical landmarks like Balmoral Castle. I'll check in in the afternoon.

Request received

Request accepted

About

5.0 rating from 1 review

Identity verified

Joined Airbnb

Show profile

ie

Translation is on. You can change this at any time. X

2023

To protect your payment, always communicate and pay through the Airbnb website or app.

09:10

Hello Mercy

We are coming from France to visit our son in Aberdeen ... we will come from Edimbourg probably by bus. As soon as we know our arrival, we will tell you, it should be in the afternoon. Thank you

Booking confirmed.

5.0 rating from 2 reviews

**Identity verified**

Joined Airbnb in [redacted]

Lives in [redacted]

[Show profile](#)

Send or request money

Call

a

Translation is on. You can change this at any time. X

[redacted]

hello,

me and my husband will visit Aberdeen in september. we're not sure yet when we'll arrive on september [redacted]

Kind regards,

[redacted]

Booking confirmed.

About

5.0 rating from 2 reviews

**Identity verified**

Joined Airbnb in [redacted]

Lives in [redacted]

[Show profile](#)

Send or request money



Translation is on. You can change this at any time. X



2023

To protect your payment, always communicate and pay through the Airbnb website or app.

Hosts can't see your profile photo until after your booking is confirmed. [Learn more](#)



14:36

Hi Mercy, we are working on the [redacted] for a couple of months and would like to book your apartment.

Thanks,

[redacted]

Request received - [redacted]

Request accepted - [redacted]



Translation is on. You can change this at any time. X



[redacted]

To protect your payment, always communicate and pay through the Airbnb website or app.

Hosts can't see your profile photo until after your booking is confirmed. [Learn more](#)



Hi, Mercy!

The flat looks great! I'll be performing at His Majesty's Theatre Aberdeen.

Best,

[redacted]

Request received - [redacted]

Request accepted - [redacted]

To protect your payment, always communicate and pay through the Airbnb website or app.

[Redacted]  
Hi,

We are arriving with my husband for holiday on the [Redacted] (Saturday). We estimate that our arrival will be afternoon/evening. We can inform you once we have a better idea of our arrival!

Thank you and we look forward to our visit.

Best,  
[Redacted]  
[Redacted]

[Redacted]

Transaction is on. You can change this at any time. [Close]

To protect your payment, always communicate and pay through the Airbnb website or app.

Hosts can't see your profile until after your booking is confirmed. [Learn more](#)

Hi Mercy,

My sister and I will be travelling around the UK this summer from [Redacted] and we are looking forward to staying in Aberdeen!

Request received. [Redacted]

Messages may be monitored to help keep our community safe, improve our product, and other related purposes. Content may be moderated or blocked. [Learn more](#)

Request accepted. [Redacted]

### Reservation details

Past guest  
[Redacted]  
2 guests

- About [Redacted]
- ★ 5.0 rating from 13 reviews
  - ✓ Identity verified
  - 📍 Joined Airbnb in [Redacted]
  - 🏠 Lives in [Redacted]

[Redacted]

Transaction is on. You can change this at any time. [Close]

To protect your payment, always communicate and pay through the Airbnb website or app.

Hi Mercy,

My boyfriend [Redacted] and I are very much looking forward to our stay in your place in Aberdeen!

We have been to Aberdeen for the first time earlier this year and loved the city, so we are back :)

We will let you know once we know when we will arrive!

Have a great start to the week,  
[Redacted]

Booking confirmed [Redacted]

Transaction is on. You can change this at any time. X

To protect your payment, always communicate and pay through the Airbnb website or app.

Hosts can't see your profile photo until after your booking is confirmed. [Learn more](#)



We are going on holiday. Planning on visiting some castles and going on walks. I have an old school friend who now lives in Aberdeen who will take us around the area on the weekend.

Request received [redacted]

Request accepted [redacted]



*Review from guest Complains of other tenants noise*

It was a really lovely location. Mercy provided pretty much everything, you would need to feel welcome. You just had to get food. Everything else was catered to. Good location, and a lovely apartment. Pots and pans are available, towels are provided and good internet service. The only shortfall was the noisy neighbours. I would recommend it and book it again myself.

Well done Mercy.



House rules displayed on my booking  
website in Avons,

**During your stay**

 2 guests maximum

 No pets

 No parties or events

 No smoking

 **Additional rules**

Please be nice and civil to host, no rudeness, STRICTLY NO PARTIES ALLOWED OR LOUD MUSIC for.

Clean flat and empty bin before you leave, any damage incurred during your stay should be fixed or paid

**Show more**

Fraser house rules on Airbnb waste -  
Prohibits in the resort -

X

## Additional rules

Please be nice and civil to host, **no rudeness**, **STRICTLY NO PARTIES ALLOWED OR LOUD MUSIC**  
Clean flat and empty bin **before you leave**, any damage incurred during your stay should be fixed or paid for.

**NO LOUD MUSIC PLEASE!**

Please look after the apartment and yourself during your stay

There is strictly **NO PARTIES ALLOWED IN THIS APARTMENT**, failure to comply will attract a minimum £400 fine and penalty paid

Please adhere strictly to our check out time, staying over will attract extra cost

Thank you

letter from STL regarding public notice display

Thu, Jun 15 at 11:32 AM ★

To: Mercy Brown

Hi Mercy,

You have received an automated message from the online Short Term Let (STL) application, which assumes that you displayed the public notice on the day of the application, and therefore sends an email reminder to login and complete the Certificate of Compliance. Since this is not the case for your STL applications, you have completed the online certification with the incorrect dates. All I ask is that you complete the attached Certificate of Compliance once the full 21 day (23 days in total) period has lapsed, with the appropriate dates and submit the certificate to myself.

I also received an objection to your STL application and in the objection was a photo of the notice for display for Flat 34, 9 Market. The notice has been de-faced as your name has been blanked over. I would suggest you laminate the next notice to help prevent this from happening.

I visited Flat 34, 9 Market Street yesterday and the notice has been removed, you will have to display another notice. Once this has been done please let me know so we can determine the date the notice can be removed.

You displayed the public notice for each of your properties on the dates below:

Ground Floor Right, 95 Willowbank Road: 26<sup>th</sup> May 2023 – Earliest notice can be removed 17<sup>th</sup> June 2023. - done and email sent

Flat 34, 9 Market Street: 2<sup>nd</sup> June 2023 – To be confirmed. - done and email sent

Regards,

Mercy Brown



Fri, Jun 16 at 3:43 PM



To:

Dear

Thank you for your email

I read instructions about waiting for an email from council before putting up the notice, i understand now about the automated message, that is another accusations from these 2 tennants from whom i have been harrased few times, i was accused of not putting up the notice and removing them etc..

I also observed on the 10th of june when i visited the flat that the notice was removed, on the 4th june about 11pm when i passed by the flat to pick up washings, one of the tennants who wrote the objection letter was outside the building,i spoke to him briefly and 5th of june next morning i came to the flat in the . someone tried my key safe, i closed it again, obviously they can not open it as it was locked with a code ,the shortlet notice was there .

I received the objection letter, looks like i was accused of removing the notice, and also that i hide the notice which was not the case .

I will laminate the notice and re-posted by sunday when am back in Aberdeen

These 2 Tennants have also been against folks pasting things on wall outside building, everything is complained but i will action this as instructed

Kind regards

Mercy Brown



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**LICENSING COMMITTEE INFORMATION SHEET**  
**12 DECEMBER 2023**

**TYPE OF APPLICATION:** LATE HOURS CATERING EXEMPTION  
**APPLICANT:** Morrisons Petrol Filling Station, West North Street, Aberdeen

**INFORMATION NOTE**

Request for an exemption under Section 42(5) Civic Government (Scotland) Act 1982 from requiring a Late Hours Catering Licence.

The exemption is requested for the hours 23:00 to 00:00 from 21 December 2023 to 23 December 2023 inclusive.

The retail store sells a range of products including food and drinks off the premises.

**CONSULTEES**

- Police Scotland

**OBJECTIONS/REPRESENTATIONS**

None

**LEGISLATION**

A licensing authority may, on application made to them, exempt the use of premises requiring a late hours catering licence from the requirement to have such a licence—

(a) in respect of any particular occasion; or

(b) during a specified period not exceeding 2 months in any period of 12 months.

(6) The licensing authority may attach conditions to an exemption granted under subsection (5) above, and the provisions of Part I of this Act relating to the attaching of conditions to licences and subsection (3) above shall apply to the attaching of conditions to exemptions under this subsection.

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**Submissions on behalf of Wm Morrison Supermarkets PLC in support of an exemption application in relation to Morrisons Petrol Filling Station, West North Street, Aberdeen, Scotland, AB24 5AR**

This application seeks a short term exemption for the requirement for a Late Hours Catering Licence pursuant to S42 (5) Civic Government (Scotland) Act 1982. As the Committee will know, Statute allows an exemption for up to 2 months a year. This exemption request is for a total of three hours in total. (between 11pm and midnight from Thursday 21st December to Saturday 23rd December inclusive).

A Late Hours Catering Licence is required for a premise to sell food and drink (non alcoholic) between 11pm and 5am. The Morrisons Petrol Station here is requesting the ability to open for an hour later each night for the period in question so it can carry on selling hot drinks from the coffee machine, normal groceries and hot products such as pasties and pies.

In the absence of any representations, the Committee is invited to grant the exemption application.

A handwritten signature in black ink, appearing to read 'Alex Green', with a long horizontal stroke extending to the right.

**ALEX GREEN**

**For and on behalf of Gosschalks LLP**

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LICENSING COMMITTEE INFORMATION SHEET

12 December 2023

**TYPE OF APPLICATION:** Exemption from policy – Street Knowledge

**APPLICANT :** Deborah Margaret Elrick

**INFORMATION NOTE**

Taxi Driver Licence was held from 23 November 2020 until 31 May 2023 and was originally granted 06/04/2001, there is no evidence to suggest that a renewal application was received from Ms Elrick.

Ms Elrick therefore has to re-apply for the grant of a new taxi driver licence.

Under Licensing Committee policy, all intended applicants for a Taxi Driver Licence must pass the street knowledge test before a grant of taxi driver licence can be submitted.

Ms Elrick is seeking exemption from this policy. The exemption request was deferred from the Licensing Sub Committee on 2 November 2023 due to Ms Elrick non-attendance.

**DESCRIPTION**

Street Knowledge Exemption

**CONSULTEES**

- N/A

**OBJECTIONS/REPRESENTATIONS**

Legal

**COMMITTEE GUIDELINES/POLICY**

Licensing Committee policy states that before any new grant application for a Taxi Driver Licence can be submitted the applicant must have passed the street knowledge test.

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### **Exemption request – D.E**

Please could I be exempt from taking the street know  
Ledge test. I have applied for grant after mistakenly letting my licence expire but was  
working as a taxi driver since 2003 until September 8th this year.

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## LICENSING COMMITTEE INFORMATION SHEET

12 December 2023

**TYPE OF APPLICATION:** TAXI VEHICLE LICENCE - RENEWAL

**APPLICANT:** FERDI KAHRAMAN – T130 SF14 CXD

### INFORMATION NOTE

Application submitted 29/04/2023  
Must be determined by 28/01/2024

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

Mr Kahramans' vehicle failed the hackney test on 05/05/2023 and no request for the vehicle to be re-tested has been received..

He was advised on by email on 28/08/2023 that as the vehicle had not been re-tested within the legally required 28 days, the licence for T130 was suspended under Section 11 of the Civic Government (Scotland) Act 1982 and that suspension would remain in place until the vehicle passed a hackney test.

There has been no contact from Mr Kahraman since the vehicle failed the hackney.

### DESCRIPTION

Renewal of Taxi Licence

### CONSULTEES

- Police Scotland

### OBJECTIONS/REPRESENTATIONS

Licensing

### COMMITTEE GUIDELINES/POLICY

All licensed vehicles must have an in date hackney pass certificate or they cannot operate  
Section 11 Civic Government (Scotland) Act 1982 requires vehicle to meet the requirements via inspection of the local authority.

### GROUNDINGS FOR REFUSAL

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

(a)the applicant or, where the applicant is not a natural person, any director of it or

partner in it or any other person responsible for its management, is either—

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

**and otherwise shall grant the application.**



## LICENSING COMMITTEE INFORMATION SHEET

**12 December 2023**

**LICENCE HOLDER: MAME MBAYE**

**TAXI DRIVER'S LICENCE: 1618**

### DESCRIPTION

#### COMPLAINT 1

On the 29 May 2023, a complaint was received in relation to taxi driver Mame Mbaye knowingly overcharging for a fare taken from Aberdeen Rail Station.

The complaint relates to a fare being charged that was above that shown on the taxi meter at the end of the journey (due to the driver quoting a minimum fare if paying by card).

It is summarised below-

DATE	DESTINATION	FARE ON METER	STANDARD FARE	FARE CHARGED	DIFFERENCE
28/12/2022	Ferryhill House Hotel	£3.60	£3-£4	£10.00	£6.40

The passenger made the journey and paid £10.

The legislation states that no fare may be charged in any circumstances over that shown on the meter and to do so is a criminal offence.

Mr Mbaye has stated that he has been wrongly accused and when he metred the journey, it was £5.10 and not £3.60.

However evidence is held showing that the passenger was charged £10.

#### COMPLAINT 2

A further complaint was received on 23/11/2023 from the management at Aberdeen Rail Station.

This complaint states that on 06/11/2023 Mr Mbaye became involved in a heated and potentially racially aggressive engagement with two other taxi drivers in full view of the public and other taxi drivers.

The incident has been reported to British Transport Police by a member of the public and Scotrail Station Management on review of the incident revoked the Rail Station Permits held by all three drivers involved.

This behaviour may constitute a breach of Taxi Driver Licence conditions 22 & 28

We have not yet been made aware of any Police action.

## LEGISLATION/CONSULTEE

Civic Government (Scotland) Act 1982, Section 21 subsection 5-

If any person demands fares or other charges in respect of the hire of a taxi or for the hire of a private hire car which is fitted with a taximeter in excess of the scales established under sections 17 and 18 of this Act, he shall be guilty of an offence and liable on summary conviction, to a fine not exceeding level 4 on the standard scale.

## OBJECTIONS/REPRESENTATIONS

Legal

## COMMITTEE GUIDELINES/POLICY

Under the Civic Government (Scotland) Act 1982 it is a criminal offence to charge a fare in excess of that shown on the taxi meter.

Taxi driver licence conditions state-

22. The driver of a taxi whilst so acting must at all times be strictly sober, clean and tidy in his person and clothing, shall conduct himself in a proper and civil manner and shall not smoke.

28. While at a stance or a place of public entertainment where other taxis are waiting, drivers must not congregate with others in any one taxi or on the footpath thereat.

## GROUND 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.

## LICENSING COMMITTEE INFORMATION SHEET

12 December 2023

## TAXI DRIVER LICENCE 0674

LICENCE HOLDER: William Cameron

## DESCRIPTION

- Licence held since 28/04/2003
- Current licence granted 26/09/2022 on renewal
- Expiry 31/07/2025

A complaint was received on 02/08/2023 from Burnett & Reid, solicitors on behalf of one of their clients, who is 71, and housebound and has recently lost her husband.

The complaint states that during her husband's illness their client and her husband befriended Mr Cameron (taxi driver) who would run errands for them, including withdrawing money at their request from an ATM.

They also loaned Mr Cameron money during this time.

However, it appears that whilst withdrawing authorised monies, Mr Cameron also withdrew additional funds (approx. £8000) without the knowledge or authority of Burnett & Reid's clients. When challenged, Mr Cameron admitted this and agreed to repay the money but only repaid a limited amount.

At that point Burnett & Reid's client reported the matter to Police Scotland and also came to a formal legal agreement with Mr Cameron for the monies to be repaid in full by instalments. With that in mind no action was taken by Police Scotland.

Again, Mr Cameron failed to adhere to this agreement and the matter was passed to Sheriff officers who served a Charge for Payment on Mr Cameron for £7400 plus costs. Apparently, this has not provoked any response or payment from Mr Cameron.

Whilst this activity does not itself relate to Mr Cameron's taxi driver licence, Burnett & Reid are of the opinion that Mr Cameron's behaviour means that he cannot be considered a fit and proper person to hold a licence issued by this authority.

Consideration of this complaint was deferred from the September 6, 2023, to allow Mr Cameron to seek legal advice for the complaint made against him.

## CONSULTEES

N/A

## OBJECTIONS/REPRESENTATIONS

- Licensing

## COMMITTEE GUIDELINES/POLICY

N/A

## GROUNDS FOR SUSPENSION/REVOCAION

A licensing authority may, whether upon a complaint made to them or not, suspend or revoke a licence in accordance with the provisions of this paragraph.

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.

In considering whether to suspend or revoke a licence the licensing authority may—

(a) have regard to—

- (i) any misconduct on the part of the holder of the licence, whether or not constituting a breach of any provision of Part I or II of this Act or this Schedule, which in the opinion of the authority has a bearing on his fitness to hold a licence;
  - (ii) where the licence relates to an activity consisting of or including the use of premises or a vehicle or vessel, any misconduct on the part of persons frequenting or using the premises, vehicle or vessel occurring there or any misconduct in the immediate vicinity of the premises, vehicle or vessel which is attributable to those persons;
- (b) make such reasonable inquiries as they think fit and, subject to sub-paragraph (5) below, include the results of their inquiries in the matters to which they have regard in such consideration.

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