

Public Document Pack



To: Councillor Al-Samarai, Convener; Councillor Delaney, Vice-Convener; and Councillors Clark, Graham, Henrickson, Lawrence, MacGregor and van Sweeden. (one Scottish Conservative and Unionist member to be confirmed)

Town House,
ABERDEEN, 13 February 2024

LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in **Committee Room 2 - Town House** on **WEDNESDAY, 21 FEBRUARY 2024 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

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- 9.5. Short Term Let (Existing Operator) - Flat 34 Fraser House, 9 Market Street (Pages 73 - 100)
- 9.6. Short Term Let (New Operator) - 74 Craigiebuckler Avenue (Pages 101 - 112)
- 9.7. Short Term Let (Existing Operator) - 79 Ashgrove Avenue (Pages 113 - 122)
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- 9.13. Request for Exemption - Wheelchair Accessible Vehicle Policy - Steve Wilson (Pages 159 - 160)
- 9.14. Request for Exemption - Street Knowledge Test - Neil Murison (Pages 161 - 162)
- 9.15. Taxi Driver Licence Renewal - William Cameron (Pages 163 - 166)

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

Some 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. Short Term Let (Existing Operator) - 26 Whinhill Gate (Pages 171 - 184)

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Integrated Impact Assessments related to reports on this agenda can be viewed [here](#)

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

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LICENSING COMMITTEE

ABERDEEN, 12 December 2023. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Al-Samarai, Convener; Councillor Delaney, Vice-Convener; and Councillors Ali, Boulton, Clark, Copland, 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:-

- (1) Councillor Lawrence declared an interest in relation to item 9.4 (Exemption Request – Late Hours Catering – Morrisons Petrol Filling Station – West North Street), by virtue of him having two family members employed by the applicant. He advised that the nature of his interest required him to leave the meeting and he therefore took no part in the Committee's deliberations thereon; and
- (2) Councillor Ali declared an interest in relation to item 9.6 (Renewal of a Taxi Licence (T130) – Ferdi Kahraman), by virtue of him knowing the applicant. He advised that the nature of his interest required him to leave the meeting and he therefore took no part in the Committee's deliberations thereon.

MINUTE OF PREVIOUS MEETING OF 6 SEPTEMBER 2023

2. The Committee had before it the minute of its previous meeting of 6 September 2023, for approval.

The Committee resolved:-
to approve the minute.

MINUTE OF MEETING OF THE LICENSING SUB COMMITTEE OF 2 NOVEMBER 2023

3. The Committee had before it the minute of meeting of the Licensing Sub Committee of 2 November 2023, for approval.

The Committee resolved:-
to approve the minute.

LICENSING COMMITTEE

12 December 2023

MINUTE OF MEETING OF THE TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP OF 30 AUGUST 2023

4. The Committee had before it the minute of meeting of the Taxi and Private Hire Car Consultation Group of 30 August 2023, for noting.

The Committee resolved:-

to note the minute.

COMMITTEE BUSINESS PLANNER

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

The Committee resolved:-

- (i) to note the reasons for deferral outlined within the planner in relation to item 5 (Taxi Demand Survey (including Review of Taxi Ranks), item 6 (Taxi Fleet Composition) and item 7 (Taxi Driver Training); and
- (ii) to otherwise note the business planner.

SHORT TERM LETS APPLICATIONS - LICENSING PROCESS - COM/23/377

6. The Committee had before it a report by the Director of Commissioning which advised 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.

The report recommended:-

that the Committee –

- (a) agree the way forward as outlined in Section 3 of the report for a four month period only (1 January 2024 until 30 April 2024); and
- (b) 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.

The Committee resolved:-

to approve the recommendations.

COMMITTEE ANNUAL EFFECTIVENESS REPORT - COM/23/321

7. The Committee had before it a report by the Director of Commissioning which presented the annual report of the Licensing Committee to enable Members to provide comment on the data contained within.

LICENSING COMMITTEE
12 December 2023

The report recommended:-

that the Committee –

- (a) provide comments and observations on the data contained within the annual report; and
- (b) note the annual report of the Licensing Committee.

The Committee resolved:-

to note the annual report of the Licensing Committee.

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 13 AFFLECK STREET

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

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 13 ORCHARD STREET

9. The Committee had before it a report by the Private Sector Housing Manager, which advised that the application was before the Committee for the reason that one letter of representation/objection had been received.

Mrs Jocelyn Janssen, Private Sector Housing Manager advised that the certification and work requirements to bring the property up to the current HMO standard had now been completed.

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

Mr Ewan Thompson was in attendance, spoke in support of his letter of representation and responded to questions from members.

Both parties summed up.

The Committee resolved:-

to grant the licence.

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

10. The Committee were advised that the application had been deferred, following a request by the applicant.

LICENSING COMMITTEE
12 December 2023

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

EXEMPTION REQUEST - LATE HOURS CATERING - MORRISONS PETROL FILLING STATION - WEST NORTH STREET

11. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised (1) that the licence holder had requested an exemption under Section 42(5) Civic Government (Scotland) Act 1982 from requiring a Late Hours Catering Licence; and (2) that the exemption was requested for the hours 23:00 to 00:00 from 21 December 2023 to 23 December 2023 inclusive.

The licence holder was not in attendance, nor represented.

The Committee resolved:-

to approve the exemption request for the hours 23:00 to 00:00 from 21 December 2023 to 23 December 2023 inclusive.

EXEMPTION REQUEST - STREET KNOWLEDGE TEST - DEBORAH MARGARET ELRICK

12. With reference to article 3 of the minute of meeting of the Licensing Sub Committee of 2 November 2023, the Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance (Legal), which advised that the applicant was seeking an exemption to the current Committee Policy which stated that all intended applicants for a Taxi Driver Licence must pass the street knowledge test before a grant of a licence can be submitted; and (2) correspondence from the applicant outlining her request.

Ms Deborah Elrick, the applicant was in attendance and spoke in support of her request.

The Committee resolved:-

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

LICENSING COMMITTEE
12 December 2023

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

RENEWAL OF A TAXI LICENCE (T130) - FERDI KAHRAMAN

13. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal) which advised that the applicant had not provided evidence that the vehicle has been inspected and tested as required.

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

The Committee resolved:-

to defer consideration of the application to allow the applicant to make arrangements to have his vehicle inspected at the Council's Vehicle Test Centre, after which time the interim Chief Officer – Governance (Legal) could grant the licence under delegated powers if appropriate, or otherwise refuse the application if the applicant has not provided evidence that the vehicle has passed the inspection test by 28 January 2024 (the date by which the application must be determined).

COMPLAINT - TAXI DRIVER - MAME LEYE MBAYE

14. The Committee were advised that this item had been deferred, following a request by the licence holder's representative.

COMPLAINT - TAXI DRIVER - WILLIAM CAMERON

15. 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 not in attendance, nor represented.

The Committee resolved:-

to defer this item until the next meeting to allow the licence holder to be in attendance.

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.

LICENSING COMMITTEE
12 December 2023

RENEWAL OF A TAXI DRIVER LICENCE (AGENDA ITEM 10.1)

16. The Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance (Legal) which advised that the application required to be considered by 1 July 2024; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 11 October 2023.

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

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

Both parties summed up.

The Committee resolved:-
to grant the renewal of the licence.

RENEWAL OF A TAXI DRIVER LICENCE (AGENDA ITEM 10.2)

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

RENEWAL OF A TAXI DRIVER LICENCE (AGENDA ITEM 10.3)

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

RENEWAL OF A TAXI DRIVER LICENCE (AGENDA ITEM 10.4)

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

RENEWAL OF A TAXI DRIVER LICENCE (AGENDA ITEM 10.5)

20. The Committee had before it an information note prepared by the Interim Chief Officer – Governance which advised that the application required to be considered by 17 February 2024.

LICENSING COMMITTEE
12 December 2023

The licence holder was not in attendance, nor represented.

The Committee resolved:-

to defer consideration of the application to allow a medical report to be received by 17 February 2024 (the date by which the application must be determined) and should the applicant meet DVLA Group 2 Standards, the interim Chief Officer - Governance (Legal) could grant the licence under delegated powers, or otherwise refuse the licence if a medical report has not been received or the licence holder does not meet the aforementioned standards.

EXEMPTION REQUEST - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 10.6)

21. The Committee had before it (1) 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; (2) correspondence relating to the exemption request.

As a preliminary matter, Mr Sandy Munro, Legal Adviser advised (1) that there was an error in the information note and he clarified that the applicant had been granted an exemption from providing assistance with wheelchair passengers since February 2022; and (2) that updated correspondence had been submitted by the applicant, therefore the Committee required to consider whether it be accepted into the proceedings.

The Committee resolved:-

to note the error in the information note and to accept the late correspondence into the proceedings.

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

The Committee resolved:-

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

EXEMPTION REQUEST - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 10.7)

22. The Committee had before it (1) an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the licence holder was seeking an exemption to the Wheelchair Accessible Vehicle policy; (2) correspondence from the licence holder outlining his request.

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

LICENSING COMMITTEE
12 December 2023

The Committee resolved:-

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

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

LICENSING SUB COMMITTEE

ABERDEEN, 11 January 2024. Minute of Meeting of the LICENSING SUB COMMITTEE. Present:- Councillor Delaney, Convener; and Councillors Copland and Henrickson.

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.

SHORT TERM LET (NEW OPERATOR) - 14 HAZLEDENE DRIVE

2. The Sub 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 12 representations/objections were submitted to the Private Sector Housing Team, also attached to the report.

Mrs Jocelyn Janssen, Private Sector Housing Manager advised that the necessary upgrading works and certification had been completed.

Mr Tony Dawson, representing the applicant was in attendance, spoke in support of the application and responded to questions from members. He was accompanied by Mr Edwin Dobrovolski, Grampian Lettings Limited who also spoke in support of the application.

Mr David Scott, representing seven of the objectors was in attendance, spoke in support of the letters of representation and responded to questions from members.

Mr Gordon Park and Ms Claire McDonald, were in attendance and spoke in support of their letters of objection.

All parties were given the opportunity to sum up.

The Sub Committee resolved:-
to grant the licence.

SHORT TERM LET (NEW OPERATOR) - 15 HAZLEDENE DRIVE

3. The Sub Committee had before it a report by the Private Sector Housing Manager, which advised that the application was before the Committee for the reason

LICENSING SUB COMMITTEE

11 January 2024

that 12 representations/objections were submitted to the Private Sector Housing Team, also attached to the report.

Mrs Jocelyn Janssen, Private Sector Housing Manager advised that the necessary upgrading works and certification had been completed.

Mr Tony Dawson, representing the applicant was in attendance, spoke in support of the application and responded to questions from members. He was accompanied by Mr Edwin Dobrovolski, Grampian Lettings Limited who also spoke in support of the application.

Mr David Scott, representing seven of the objectors was in attendance, spoke in support of the letters of representation and responded to questions from members.

Mr Gordon Park and Ms Claire McDonald, were in attendance and spoke in support of their letters of objection.

All parties were given the opportunity to sum up.

The Sub Committee resolved:-
to grant the licence.

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.

SHORT TERM LET (NEW OPERATOR) - 27 LITTLEJOHN STREET

4. The Sub Committee had before it (1) a report by the Private Sector Housing Manager, which advised that the application required to be determined by 24 June 2024 and that all the necessary upgrading works and certification had been completed; and (2) a letter of representation dated 1 December 2023, submitted by the Chief Superintendent, North East Division, Police Scotland.

Representatives from SJA Property Group Limited were in attendance, spoke in support of the application and responded to questions from members.

Sergeant Grant, Police Scotland was in attendance, spoke in support of the letter of representation and responded to questions from members.

Both parties were given the opportunity to sum up.

LICENSING SUB COMMITTEE

11 January 2024

The Sub Committee resolved:-

to grant the licence.

SHORT TERM LET (EXISTING OPERATOR) - FLAT A, 22 RIVERSIDE DRIVE

5. The Sub Committee had before it (1) a report by the Private Sector Housing Manager, which advised that the application required to be determined by 20 September 2024 and that all the necessary upgrading works and certification had been completed; and (2) a letter of representation dated 1 December 2023, submitted by the Chief Superintendent, North East Division, Police Scotland.

Representatives from SJA Property Group Limited were in attendance, spoke in support of the application and responded to questions from members.

Sergeant Grant, Police Scotland was in attendance, spoke in support of the letter of representation and responded to questions from members.

Both parties were given the opportunity to sum up.

The Sub Committee resolved:-

to grant the licence.

SHORT TERM LET (EXISTING OPERATOR) - FLAT M, 22 MARKET STREET

6. The Sub Committee had before it (1) a report by the Private Sector Housing Manager, which advised that the application required to be determined by 20 September 2024 and that all the necessary upgrading works and certification had been completed; and (2) a letter of representation dated 1 December 2023, submitted by the Chief Superintendent, North East Division, Police Scotland.

Representatives from SJA Property Group Limited were in attendance, spoke in support of the application and responded to questions from members.

Sergeant Grant, Police Scotland was in attendance, spoke in support of the letter of representation and responded to questions from members.

Both parties were given the opportunity to sum up.

The Sub Committee resolved:-

to grant the licence.

LICENSING SUB COMMITTEE

11 January 2024

SHORT TERM LET (EXISTING OPERATOR) - FLAT A, 44 UNION GLEN

7. The Sub Committee had before it (1) a report by the Private Sector Housing Manager, which advised that the application required to be determined by 22 September 2024 and that all the necessary upgrading works and certification had been completed; and (2) a letter of representation dated 1 December 2023, submitted by the Chief Superintendent, North East Division, Police Scotland.

Representatives from SJA Property Group Limited were in attendance, spoke in support of the application and responded to questions from members.

Sergeant Grant, Police Scotland was in attendance, spoke in support of the letter of representation and responded to questions from members.

Both parties were given the opportunity to sum up.

The Sub Committee resolved:-

to grant the licence.

SHORT TERM LET (EXISTING OPERATOR) - FIRST FLOOR LEFT, 22 ALLAN STREET

8. The Sub Committee had before it (1) a report by the Private Sector Housing Manager, which advised that the application required to be determined by 24 September 2024 and that all the necessary upgrading works and certification had been completed; and (2) a letter of representation dated 1 December 2023, submitted by the Chief Superintendent, North East Division, Police Scotland.

Representatives from SJA Property Group Limited were in attendance, spoke in support of the application and responded to questions from members.

Sergeant Grant, Police Scotland was in attendance, spoke in support of the letter of representation and responded to questions from members.

Both parties were given the opportunity to sum up.

The Sub Committee resolved:-

to grant the licence.

SHORT TERM LET (EXISTING OPERATOR) - FIRST FLOOR LEFT, 149 BON ACCORD STREET

9. The Sub Committee had before it (1) a report by the Private Sector Housing Manager, which advised that the application required to be determined by 24 September

LICENSING SUB COMMITTEE

11 January 2024

2024 and that all the necessary upgrading works and certification had been completed; and (2) a letter of representation dated 1 December 2023, submitted by the Chief Superintendent, North East Division, Police Scotland.

Representatives from SJA Property Group Limited were in attendance, spoke in support of the application and responded to questions from members.

Sergeant Grant, Police Scotland was in attendance, spoke in support of the letter of representation and responded to questions from members.

Both parties were given the opportunity to sum up.

The Sub Committee resolved:-

to grant the licence.

SHORT TERM LET (EXISTING OPERATOR) - FLAT A, 26 HILL STREET

10. The Sub Committee had before it (1) a report by the Private Sector Housing Manager, which advised that the application required to be determined by 25 September 2024 and that all the necessary upgrading works and certification had been completed; and (2) a letter of representation dated 1 December 2023, submitted by the Chief Superintendent, North East Division, Police Scotland.

Representatives from SJA Property Group Limited were in attendance, spoke in support of the application and responded to questions from members.

Sergeant Grant, Police Scotland was in attendance, spoke in support of the letter of representation and responded to questions from members.

Both parties were given the opportunity to sum up.

The Sub Committee resolved:-

to grant the licence.

SHORT TERM LET (EXISTING OPERATOR) - 1A ROSLIN TERRACE

11. The Sub Committee had before it (1) a report by the Private Sector Housing Manager, which advised that the application required to be determined by 28 September 2024 and that all the necessary upgrading works and certification had been completed; and (2) a letter of representation dated 1 December 2023, submitted by the Chief Superintendent, North East Division, Police Scotland.

Representatives from SJA Property Group Limited were in attendance, spoke in support of the application and responded to questions from members.

LICENSING SUB COMMITTEE

11 January 2024

Sergeant Grant, Police Scotland was in attendance, spoke in support of the letter of representation and responded to questions from members.

Both parties were given the opportunity to sum up.

The Sub Committee resolved:-

to grant the licence.

SHORT TERM LET (EXISTING OPERATOR) - FLAT 3, 10 WALLFIELD CRESCENT

12. The Sub Committee had before it (1) a report by the Private Sector Housing Manager, which advised that the application required to be determined by 28 September 2024 and that all the necessary upgrading works and certification had been completed; and (2) a letter of representation dated 1 December 2023, submitted by the Chief Superintendent, North East Division, Police Scotland.

Representatives from SJA Property Group Limited were in attendance, spoke in support of the application and responded to questions from members.

Sergeant Grant, Police Scotland was in attendance, spoke in support of the letter of representation and responded to questions from members.

Both parties were given the opportunity to sum up.

The Sub Committee resolved:-

to grant the licence.

- **COUNCILLOR STEVE DELANEY, Convener**

LICENSING SUB COMMITTEE

ABERDEEN, 26 January 2024. Minute of Meeting of the LICENSING SUB COMMITTEE. Present:- Councillor Al-Samarai, Convener; and Councillors Clark and Copland (as substitute for Councillor Fairfull).

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

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DECLARATIONS OF INTEREST AND TRANSPARENCY STATEMENTS

1. There were no declarations of interest intimated.

SHORT TERM LET (EXISTING OPERATOR) - 33 QUEENS HIGHLANDS

2. The Sub Committee had before it (1) a report by the Private Sector Housing Manager, which advised that the application was before the Committee for the reason that one letter of objection, appended to the report was submitted to the Private Sector Housing Team; and (2) a representation from RJH Accommodation.

Mrs Jocelyn Janssen, Private Sector Housing Manager advised that the necessary upgrading works and certification had still to be completed.

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

The objector, Ms Vanessa Anne Smith was not in attendance, nor represented.

The Sub Committee resolved:-

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

SHORT TERM LET (EXISTING OPERATOR) - 34 QUEENS HIGHLANDS

3. The Sub Committee had before it (1) a report by the Private Sector Housing Manager, which advised that the application was before the Committee for the reason that one letter of objection, appended to the report was submitted to the Private Sector Housing Team; and (2) a representation from RJH Accommodation.

Mrs Jocelyn Janssen, Private Sector Housing Manager advised that the necessary upgrading works and certification had still to be completed.

LICENSING SUB COMMITTEE

26 January 2024

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

The objector, Ms Vanessa Anne Smith was not in attendance, nor represented.

The Sub Committee resolved:-

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

SHORT TERM LET (EXISTING OPERATOR) - 7 JUTE STREET

4. The Sub Committee had before it (1) a report by the Private Sector Housing Manager, which advised that the application was before the Committee for the reason that one letter of objection, appended to the report was submitted to the Private Sector Housing Team; and (2) a representation from Ms Lola Zhou.

Mrs Jocelyn Janssen, Private Sector Housing Manager advised that the necessary upgrading works and certification had still to be completed.

Ms Tatyana Khilo, representing the applicant was in attendance, spoke in support of the application and responded to questions from members.

The objector, Ms Nicola James was not in attendance, nor represented.

The Sub Committee resolved:-

to defer consideration of the application until the next meeting of the Sub Committee on 28 February 2024 in order to allow the applicant to review the number of guests they wish to accommodate.

SHORT TERM LET (EXISTING OPERATOR) - 40 BEECHGROVE GARDENS

5. The Sub Committee had before it (1) a report by the Private Sector Housing Manager, which advised that the application was before the Committee for the reason that seven letters of objection, appended to the report were submitted to the Private Sector Housing Team; and (2) a representation from RJH Accommodation.

Mrs Jocelyn Janssen, Private Sector Housing Manager advised that the letter of objection from Dr John Barron had been withdrawn and that the necessary upgrading works and certification had still to be completed.

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

LICENSING SUB COMMITTEE

26 January 2024

Mr Fraser Masson and Mr Douglas Kynoch were in attendance, and spoke in support of their letters of objection.

All parties were given the opportunity to sum up.

The Sub Committee resolved:-

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

PUBLIC ENTERTAINMENT LICENCE - HILTON COMMUNITY CENTRE

6. The Sub Committee were advised that this application had been withdrawn by the applicant.

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

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TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP

ABERDEEN, 6 December 2023. Minute of Meeting of the TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP. Present:- Councillor Al-Samarai, Chairperson; and Councillors Boulton, Clark, Delaney, Henrickson and Lawrence; and Alan Catto (Independent Driver), Chris Douglas (Aberdeen Taxis), Stewart Duncan (Airport Taxis), Russell McLeod (Rainbow City Taxis), Luke Hulse (Independent Driver), Peter Cambell (Railway Station and Unite Union) and Hussein Patwa (Disability Equity Partnership).

In attendance:- PC Ian Duthie and PC Gary Forbes (Police Scotland), John Weir and Derek Jamieson (Fleet Services, Operations), Sandy Munro, Dave McKane, Alexa Last and Daniel Wright (Licensing and Planning Team) and Mark Masson and Gogo Okafor (Committee Services)

WELCOME AND APOLOGIES

1. The Chair welcomed everyone to the meeting.

The Chair advised that this would be PC Duthie's last meeting as he was moving to another role within Police Scotland.

The Consultation Group resolved:-

to thank PC Duthie for his valuable input into the work of the Consultation Group and note that PC Forbes would be attending future meetings as his replacement.

DECLARATIONS OF INTEREST OR TRANSPARENCY STATEMENTS

2. There were no Declarations of Interest or Transparency Statements intimated.

MINUTE OF PREVIOUS MEETING OF 30 AUGUST 2023 - FOR APPROVAL

3. The Consultation Group had before it the minute of its previous meeting of 30 August 2023.

In relation to article 7 (Easement of Taxi Restrictions at Aberdeen Railway Station), the Consultation Group heard Sandy Munro, Legal Adviser provide an update, noting (1) that ScotRail Management at the Railway Station had confirmed that any Taxi and Private Hire vehicle driver, whether they are permit holders or not, could drop off any passengers at the clearly marked drop off points at the station, provided that the destination of their journey was the Railway Station; (2) that a pre-booked hire where the passenger was disabled or elderly may be collected within the station, but not at the rank regardless of whether the driver was a permit holder or not and that this would be monitored by CCTV; (3) that a response was awaited from ScotRail Management in respect of seeking clarity on the location of the drop off points, and when this is known, all licensed drivers would be contacted by the Licensing Team and provided with the aforementioned information; and (4) that licence holders would also be encouraged to report any concerns/issues which they may experience from permit holders.

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP
6 December 2023

The Consultation Group resolved:-

- (i) to note the information provided;
- (ii) to note that Peter Cambell was the representative on the Consultation Group for the Railway Station taxi licence drivers/permit holders; and
- (ii) to otherwise 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 16 August to 28 November 2023; and (c) the time taken by the Licensing Team to produce and issue licences.

During discussion the following was raised and noted:-

- that members were receiving complaints from residents in relation to the availability of taxis and where taxis were not turning up for pre-booked appointments, noting that this was largely due to there being less taxi drivers since pre-covid and the time (2-3 years) it would take to fully recover from this position, including issues such as the cost of purchasing vehicles, particularly WAVs; and
- that Aberdeen Inspired had approached the Council wishing to discuss the situation and impact of taxi and private hire car shortages in the city centre and how this could be resolved, noting that the best way to have this discussion would be to add it as an agenda item for a future meeting of the Group.

The Consultation Group resolved:-

- (i) to note the report;
- (ii) to note that the Taxi Demand Survey would be submitted to the Licensing Committee in early 2024 for consideration; and
- (iii) that Aberdeen Inspired be invited to the next meeting of the Consultation Group.

MIXED FLEET DISCUSSION - SANDY MUNRO

5. The Consultation Group had before it a paper from Sandy Munro, Legal Adviser which sought discussion and feedback in relation to a Mixed Taxi Fleet.

The discussion points were as follows:-

- Arriving at a reasonable split percentage;
- Method of maintaining the split;
- Reasonable length of notice of availability of a saloon plate; and
- Means of ensuring saloon plates are properly surrendered.

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP
6 December 2023

Mr Munro advised (1) that he sought early engagement with the taxi trade on the above key points; (2) explained that any feedback/suggestions would be presented to a future meeting of the Group for discussion; (3) that a formal consultation process would be conducted with the taxi trade and public and a report on the Mixed Fleet Policy would be submitted to the Licensing Committee for consideration and approval.

The Consultation Group resolved:-

that this item including any feedback from taxi trade members would be presented to the next meeting for discussion.

SAFEKAB APPLICATION UPDATE- CHRIS DOUGLAS

6. The Consultation Group had before it a paper from Chris Douglas which provided an update in relation to the Safekab Application.

The paper advised that (1) the sister company, Inverness Taxis had successfully launched the Safekab Application which had been well received in the Highlands and indeed by government at local and national level with Chris Douglas' business partner Gavin Johnstone invited to speak at Westminster with regards to the Application and safety aspects; (2) Aberdeen Taxis had not launched the Application due to not having confidence in the amount of available cars or resources to service the demand; and (3) it was an impossible situation to deal with at present and that it would be detrimental to the Application and its service/reach to launch it in the current climate.

Mr Douglas reiterated much of the points from the paper and intimated that the Application in the Highlands had received approximately 7000 downloads.

The Consultation Group resolved:-

to note the update.

REQUEST FOR AN ADDITIONAL TAXI TRADE MEMBER REPRESENTATIVE ON THE GROUP - RUSSELL MCLEOD

7. The Consultation Group had before it a request from Russell McLeod for an additional taxi trade member representative on the group.

The paper advised that (1) Douglas Cowie had recently been appointed as Head of Operations at ComCab Aberdeen; (2) as Aberdeen Airport (Stewart Duncan), Aberdeen Taxis (Chris Douglas) and Rainbow Taxis (Russell McLeod) were all effectively represented on the group, then it would be fair that ComCab were represented as well; (3) although all current members had "titles" as to who they represent, it would be fair to say that all get involved in all subjects, whether it was their topic, or not.

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP
6 December 2023

During discussion, the following was noted:-

- that at present, there were two vacancies on the group, namely for an Independent Taxi Driver representative and a GMB Union representative;
- that ComCab being a Licensed Taxi Office was already being represented on the group by Russell McLeod;
- that an additional taxi trade member representative in this regard would not meet the criteria of any of the two vacancies and that he did not represent a specific and recognised different interest group;
- that any significant changes to the remit of the group would require Licensing Committee approval, by way of a report to be submitted and considered; and
- that the remit of the group did not provide any details on whether designated substitutes were permitted or expected.

Mr McLeod suggested that Douglas Cowie could be a representative in relation to Taxi Trade Disability Liaison.

The Consultation Group resolved:-

- (i) to request that the Licensing Committee consider receiving a report at their meeting in April 2024 on the request for an additional representative from the taxi trade as the Taxi Trade's Disability Liaison member, namely Douglas Cowie (ComCab); and
- (ii) to note that the Clerk would update the remit of the group to include information on substitutions.

KNOWLEDGE TEST WORKING GROUP - STEWART DUNCAN

8. The Consultation Group had before it a paper by Stewart Duncan in relation to a request to establish a Street Knowledge Test Working Group.

The paper advised that the taxi trade still feel that they need to review the Knowledge Test, not to dilute it, but to bring it up to date given the current Knowledge Test criteria was 20 years old; and suggested that a "sub/working group" be established to explore possibilities.

During discussion the following was raised and noted:-

- that the Street Knowledge Test was previously reviewed and approved at the Licensing Committee meeting in September 2022;
- that there was only an 8-10% pass rate and the content of the test including places of interest may be outdated or no longer exist; and
- that a working group could include elected members, licensing officers, taxi trade members and other representation including Police Scotland and meet twice in 2024.

The Consultation Group resolved:-

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP
6 December 2023

to note that Sandy Munro would liaise with Stewart Duncan on the establishment of an informal Street Knowledge Test Group.

FIRST MEETING 2024 - WHAT HAS BEEN ASKED AND ACHIEVED - RUSSELL MCLEOD

9. The Consultation Group had before it a paper from Russell McLeod which advised that it may be beneficial that a 'report card' outlining what had been achieved during 2023 be prepared and submitted to the first meeting of the group in 2024.

The Consultation Group resolved:-

to agree that a '2023 report card' be prepared by the taxi trade members and submitted to the next meeting of the group.

VISIT ABERDEENSHIRE DESTINATION TRAINING - CHRIS DOUGLAS

10. The Consultation Group had before it a paper by Chris Douglas in relation to destination training on behalf of Visit Aberdeenshire.

The paper (1) sought assistance in terms of circulating destination training on behalf of Visit Aberdeenshire to the wider taxi trade which would benefit the city and its image; (2) indicated that the training would be provided by the marketing team at Visit Aberdeenshire and would be an excellent tool for licenced drivers to use; and (3) advised that Mr Douglas would furnish the Licencing Team with the details if they were receptive to circulating it to the taxi trade.

The Consultation Group resolved:-

to note that Sandy Munro would make arrangements that the link to the destination training would be circulated to the taxi trade.

EXECUTIVE HIRE TRANSPORT IN THE CITY - CHRIS DOUGLAS

11. The Consultation Group had a paper by Chris Douglas in relation to the Council's position regarding Executive Hire transport.

The paper advised (1) that at present there were companies who operated Executive Hire services without an operator's licence or vehicle licence for the car or driver; (2) that it was his understanding that the legislation dictated that any hire and reward activity must be licenced unless it was for a wedding or funeral with the intention/exception of the 24 contract exemption clause; (3) that recently at Offshore Europe an ex-taxi driver who was known to have lost his licence was working for a long established Executive Hire company picking up corporate clients from the taxi rank in an unlicensed vehicle under the banner of 'an executive hire'; (4) that it raised the question as to what was

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP
6 December 2023

enforceable and what was not with regards to licenced activity; and (5) that the trade would like to increase Executive Hire offerings but stay within the guidance of the legislation, however at present it did not appear to be the status quo in the city.

The Consultation Group heard from Sandy Munro, Legal Adviser who explained that legislation at present states that as long as the vehicle was hired under a contract for exclusive hire for a period of not less than 24 hours, then it would not fall into the licensable activity category. He intimated that an amendment to the legislation had been passed recently to remove that exemption, however it was not in force yet, and there was no indication when that would be enforceable by the Licensing Authority.

At this juncture, PC Duthie encouraged the taxi trade members to report details of any illegal (un-licensed) taxi drivers to Police Scotland, noting that only one complaint had been received since the last meeting.

The Consultation Group resolved:-

to request that the Licensing Committee consider whether it would be appropriate to write to the Scottish Government requesting that the recently passed legislation be expedited as soon as possible in order for Local Authorities to address the number of complaints being received regarding the un-licensed Executive Hire loophole.

REQUEST TO INCREASE THE AGE OF VEHICLE - CHRIS DOUGLAS

12. The Consultation Group had before it a paper by Chris Douglas which requested an increase to the Age of Vehicle Policy.

The paper advised that other cities had successfully increased the age in which a private hire non Wheelchair Accessible Vehicle could be licensed (Glasgow was now 7 years); and requested that Aberdeen following suit given it currently sat at 5 years or less at first licensing or substitution.

In addition Mr Douglas said that increasing the age would hopefully encourage people into the taxi trade

The Consultation Group heard Sandy Munro, Legal Adviser indicate that following a recent check with other local authorities, the following information was received:-

- Glasgow City Council age limit was still 5 years;
- Edinburgh and Dundee Council's do not have an age limit although in Dundee all new vehicles must be electric;
- Perth had a maximum age limit of 10 years, therefore vehicles would need to be replaced once it was over 10 years of age;
- Highland, Stirling and North Lanarkshire Councils were 5 years or less; and
- South Lanarkshire was 7 years or less.

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP
6 December 2023

Mr Munro indicated that most authorities have an upper age limit cap, however Aberdeen did not, therefore as long as the vehicle passed the bi-annual inspection it could continue to be re-licensed.

The Consultation Group resolved:-

to note that the Age of Vehicle Policy was due to be reviewed in 2024, and that the taxi trade could submit their views during the consultation period, following which the Licensing Committee could consider any changes to the policy.

2024 MEETING DATES

13. The Consultation Group had before it their meeting dates for 2024, as follows:-
- 6 February;
 - 2 May;
 - 4 September; and
 - 13 November.

The Consultation Group resolved:-

to note the 2024 meeting dates, all to be held in the Town House at 10.00am.

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

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TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP

ABERDEEN, 6 February 2024. Minute of Meeting of the TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP. Present:- Councillor Delaney, Chairperson; and Councillors Al-Samarai, Boulton, Clark, Henrickson and Lawrence; and Alan Catto (Independent Driver), Chris Douglas (Aberdeen Taxis), Stewart Duncan (Airport Taxis), Russell McLeod (Rainbow City Taxis), Luke Hulse (Independent Driver), Peter Cambell (Railway Station and Unite Union) and Amanda Foster (substituting for Hussein Patwa - Disability Equity Partnership).

In attendance:- PC Gary Forbes (Police Scotland), John Weir and Derek Jamieson (Fleet Services, Operations), Sandy Munro, Alexa Last and Daniel Wright (Licensing Team), Vycki Ritson (Engineering, Operations) and Mark Masson and Gogo Okafor (Committee Services)

WELCOME AND APOLOGIES

1. The Chair welcomed everyone to the meeting.

The Clerk advised that Hussein Patwa had intimated his apologies, and that Amanda Foster would be substituting for him.

DECLARATIONS OF INTEREST OR TRANSPARENCY STATEMENTS

2. There were no Declarations of Interest or Transparency Statements intimated.

MINUTE OF PREVIOUS MEETING OF 6 DECEMBER 2023 - FOR APPROVAL

3. The Consultation Group had before it the minute of its previous meeting of 6 December 2023.

The Consultation Group resolved:-
to approve the minute.

UPDATES FROM ROADS REGARDING HADDEN STREET AND FEEDBACK RELATING TO CRUISE ARRANGEMENT - VYCKI RITSON

4. The Consultation Group heard from Vycki Ritson, Engineering Team Leader who provided an update in relation to the closure of Hadden Street and sought feedback from the Taxi Trade regarding cruise arrangements.

Ms Ritson advised that there were some major changes coming to the city centre and some pieces of work would be starting in the next few months, one being the Aberdeen Market redevelopment. She indicated that discussions had been held and it was acknowledged that space would be required to carry out those works, including the location of office buildings for the Management Team that would be supervising the works. It was noted that they would be using Hadden Street as that was the only space that would be available for deliveries in the area. In that regard, Hadden Street would be

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP
6 February 2024

closed to traffic for the duration of the works and that included the use of the taxi rank during that period of time.

Ms Ritson advised that the taxi rank on Exchequer Row would be available as an alternative in the area, and the intention was that the Back Wynd taxi rank would also be available. She explained that the confined nature of the site meant that there would be limitations into the alternatives that would be available in that area and Hadden Street was one of those streets that they would have to close as a result.

During discussion, the following was noted:-

- that consultation should be undertaken prior to closing any taxi rank around the city, noting that it was not possible on this occasion due to the request to close Hadden Street coming at short notice;
- that in relation to the central Union Street works, it may be the case that the taxi rank remained in use on Back Wynd, with vehicles going via Gaelic Lane, back up Belmont Street and onto Schoolhill that way, noting that further discussion on this was required with Police Scotland prior to any decision being made;
- that the Night Time Taxi Rank on Union Street would close during the works, however officers were looking into the possibility of having the Back Wynd Taxi Rank in operation 24/7, noting that further discussion with the Police and the Taxi Trade would be undertaken in this regard;
- that it was the intention to re-open the taxi rank on Union Street after the works were completed;
- that additional media for members of the public was planned in relation to the closures of the taxi ranks including an indicative timetable of the works in the area; and
- that in relation to the South Harbour cruise arrangements, it was noted that a taxi rank in the area should be considered, however it was acknowledged that Management at the Harbour Board were concerned about safety within the South Harbour area.

The Consultation Group resolved:-

to note the information provided.

**THE IMPACT OF TAXI AND PRIVATE HIRE CAR SHORTAGES IN THE CITY CENTRE
- ABERDEEN INSPIRED**

5. This item was deferred to the next meeting of the Consultation Group.

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP
6 February 2024

ENFORCEMENT OFFICER REPORT

6. 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.

The report provided details of (a) the current numbers of licensed vehicles and drivers compared to February 2023; (b) street knowledge test statistics during the period 5 December 2023 to 23 January 2024; (c) information regarding a number of complaints relating to drivers not accepting Card payments; and (d) the number of tests booked, sat and passed.

The Consultation Group resolved:-

to note the information provided.

MIXED TAXI FLEET - VERBAL FEEDBACK FROM THE TAXI TRADE

7. With reference to article 5 of the minute of the previous meeting of 6 December 2023, the Consultation Group considered issues relating to a mixed Taxi Fleet, including: -

- Arriving at a reasonable split percentage;
- Method of maintaining the split;
- Reasonable length of notice of availability of a saloon plate; and
- Means of ensuring saloon plates were properly surrendered.

During discussion, the following was noted:-

- that a 50/50 (Wheelchair Accessible Vehicle/Saloon Car) split percentage would be reasonable;
- that there would be difficulties in maintaining a mixed fleet, particularly as there seemed to be a move away from drivers purchasing WAVs due to the cost of these vehicles; and
- that an incentive to maintain the number of WAV vehicles was required, possibly by not taking payment when renewing licences.

Mr Douglas suggested that the taxi trade could produce some key points and suggestions to be submitted to the next meeting.

The Consultation Group resolved:-

- (i) to note the information provided; and
- (ii) that this item be added to the next meeting of the Group, noting that the taxi trade would submit suggestions/proposals relating to a mixed Taxi Fleet.

- **COUNCILLOR STEVE DELANEY, Chairperson**

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	A	B	C	D	E	F	G	H	I
1	LICENSING COMMITTEE BUSINESS PLANNER								
	The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting.								
2	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference Number	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
3			21 February 2024						
4	Late Hours Catering Policy	to review existing policy and determine if a review exercise is required		Sandy Munro	Governance	Commissioning	16.3		
5	Taxi Driver Training	Licensing Committee 19/2/19 agreed to instruct the Chief Officer – Governance to continue to investigate training programmes for taxi and private hire drivers and report back to the Committee in this regard as and when appropriate.		Sandy Munro	Governance	Commissioning	16.3	D	Progress is being made but discussions ongoing with Training Providers - Report likely to be submitted to June Meeting
6	Back Wynd Taxi Rank Hours of Operation	Seeking authority to consult on change of operating hours for the Back Wynd taxi rank		Sandy Munro	Governance	Commissioning	16.3		
7			24 April 2024						
8	Public Entertainment Licensing Resolution	to review existing resolution and determine if a review exercise is required		Sandy Munro	Governance	Commissioning	16.3		
9	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. The Committee on 26/10/21 agreed to instruct the Chief Officer – Governance to undertake a Review of the Taxi Ranks in Aberdeen at the earliest opportunity following any Council decision being taken on the options for vehicle access on Union Street and the Spaces for People interventions in that area.		Sandy Munro	Governance	Commissioning	16.3		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference Number	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2	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		
10									
11			5 June 2024						
12	Low Emission Zone - Impact of Glasgow's time-limited exemption for Taxi Operators	The Committee on 6/9/23 agreed to 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 NZET on 1/11/23 agreed to request that the report to be presented to the Licensing Committee in June 2024 on the impacts of Glasgow's time-limited exemption for taxi operators be circulated to the Net Zero, Environment and Transport Committee members for information		Will Hekelaar	Strategic Place Planning	Commissioning	16.3		
13	Public Charitable Collection Policy	to review existing policy and determine if a review exercise is required		Sandy Munro	Governance	Commissioning	16.3		
14	Review of the Short Term Lets Policy	The Committee on 06/09/22 agreed that a review of the policy be undertaken 12 months from the implementation date (1 October 2022).		Jocelyn Janssen	Early Intervention and Community Empowerment	Customer	16.3		
15			20 August 2024						
16	Second Hand Dealer's Licence Resolution	to review existing resolution and determine if a review exercise is required		Sandy Munro	Governance	Commissioning	16.3		
17			9 October 2024						
18	Taxi & Private Hire	to review existing policy and determine if a review exercise is required		Sandy Munro	Governance	Commissioning	16.3		
19			4 December 2024						

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference Number	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2	Street Trader's Licence Policy	to review existing policy and determine if a review exercise is required		Sandy Munro	Governance	Commissioning	16.3		
20	Annual Committee Effectiveness Report	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 (Reporting Period is 15 October 2023 to 15 October 2024)		Mark Masson	Governance	Commissioning	GD 8.5		
21									

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REFERRAL

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP

ABERDEEN, 6 December 2023.

REQUEST FOR AN ADDITIONAL TAXI TRADE MEMBER REPRESENTATIVE ON THE GROUP - RUSSELL MCLEOD

The Consultation Group had before it a request from Russell McLeod for an additional taxi trade member representative on the group.

The paper advised that (1) Douglas Cowie had recently been appointed as Head of Operations at ComCab Aberdeen; (2) as Aberdeen Airport (Stewart Duncan), Aberdeen Taxis (Chris Douglas) and Rainbow Taxis (Russell McLeod) were all effectively represented on the group, then it would be fair that ComCab were represented as well; (3) although all current members had "titles" as to who they represent, it would be fair to say that all get involved in all subjects, whether it was their topic, or not.

During discussion, the following was noted:-

- that at present, there were two vacancies on the group, namely for an Independent Taxi Driver representative and a GMB Union representative;
- that ComCab being a Licensed Taxi Office was already being represented on the group by Russell McLeod;
- that an additional taxi trade member representative in this regard would not meet the criteria of any of the two vacancies and that he did not represent a specific and recognised different interest group;
- that any significant changes to the remit of the group would require Licensing Committee approval, by way of a report to be submitted and considered; and
- that the remit of the group did not provide any details on whether designated substitutes were permitted or expected.

Mr McLeod suggested that Douglas Cowie could be a representative in relation to Taxi Trade Disability Liaison.

The Consultation Group resolved:-

- (i) to request that the Licensing Committee consider receiving a report at their meeting in April 2024 on the request for an additional representative from the taxi trade as the Taxi Trade's Disability Liaison member, namely Douglas Cowie (ComCab); and
- (ii) to note that the Clerk would update the remit of the group to include information on substitutions.

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REFERRAL

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP

ABERDEEN, 6 December 2023.

EXECUTIVE HIRE TRANSPORT IN THE CITY - CHRIS DOUGLAS

11. The Consultation Group had a paper by Chris Douglas in relation to the Council's position regarding Executive Hire transport.

The paper advised (1) that at present there were companies who operated Executive Hire services without an operator's licence or vehicle licence for the car or driver; (2) that it was his understanding that the legislation dictated that any hire and reward activity must be licenced unless it was for a wedding or funeral with the intention/exception of the 24 contract exemption clause; (3) that recently at Offshore Europe an ex-taxi driver who was known to have lost his licence was working for a long established Executive Hire company picking up corporate clients from the taxi rank in an unlicensed vehicle under the banner of 'an executive hire'; (4) that it raised the question as to what was enforceable and what was not with regards to licenced activity; and (5) that the trade would like to increase Executive Hire offerings but stay within the guidance of the legislation, however at present it did not appear to be the status quo in the city.

The Consultation Group heard from Sandy Munro, Legal Adviser who explained that legislation at present states that as long as the vehicle was hired under a contract for exclusive hire for a period of not less than 24 hours, then it would not fall into the licensable activity category. He intimated that an amendment to the legislation had been passed recently to remove that exemption, however it was not in force yet, and there was no indication when that would be enforceable by the Licensing Authority.

At this juncture, PC Duthie encouraged the taxi trade members to report details of any illegal (un-licensed) taxi drivers to Police Scotland, noting that only one complaint had been received since the last meeting.

The Consultation Group resolved:-

to request that the Licensing Committee consider whether it would be appropriate to write to the Scottish Government requesting that the recently passed legislation be expedited as soon as possible in order for Local Authorities to address the number of complaints being received regarding the un-licensed Executive Hire loophole.

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ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	21 February 2024
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Late Hours Catering Policy
REPORT NUMBER	COM/24/057
DIRECTOR	Gale Beattie
CHIEF OFFICER	Jenni Lawson
REPORT AUTHOR	Sandy Munro
TERMS OF REFERENCE	16.3

1. PURPOSE OF REPORT

- 1.1 To review the position in relation to Late Hours Catering licences and determine whether a formal review process is required.

2. RECOMMENDATION(S)

That the Committee:-

- 2.1 Consider the current policy in relation to Late Hours Catering licences and determine whether a formal review process is required.

3. CURRENT SITUATION

- 3.1 The current Late Hours Catering policy is attached as Appendix 1.
- 3.2 There are currently 2 separate areas for the purposes of Late Hours Catering licences. The first comprises the city centre and beach areas, with the second being the remainder of the Aberdeen City Council area.
- 3.3 The terminal hours for the city centre/beach area were designated as 1 hour later than those set by the Licensing Board for alcohol licences.
- 3.4 During the recent review of the Licensing Board's Statement of Licensing Policy the terminal hours for alcohol licences were unchanged. It is suggested therefore that a formal review of the Late Hours Catering policy is not required at this time.

4. FINANCIAL IMPLICATIONS

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

5. LEGAL IMPLICATIONS

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

6. ENVIRONMENTAL IMPLICATIONS

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

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	N/A			Yes
Compliance	N/A			Yes
Operational	N/A			Yes
Financial	N/A			Yes
Reputational	N/A			Yes
Environment / Climate	N/A			Yes

8. OUTCOMES

The proposals in this report have no impact on the Council Delivery Plan.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	No assessment required. I confirm this has been discussed and agreed with Jenni Lawson, Chief Officer, Governance on 1 February 2024
Data Protection Impact Assessment	Not required.
Other	N/A

10. BACKGROUND PAPERS

10.1 None

11. APPENDICES

11.1 Appendix 1 – Current Late Hours Catering Policy

12. REPORT AUTHOR CONTACT DETAILS

Name	Sandy Munro
Title	Solicitor
Email Address	AleMunro@aberdeencity.gov.uk

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Late Hours Catering – Law and Policy Guidelines

1. Legislation

In terms of Section 42 of the Civic Government (Scotland) Act 1982 a late hours catering licence is required for the sale to or the consumption by the public of food between the hours of 11pm and 5am. This includes consumption of food both on and off the premises.

A late hours catering licence is not required:

- a) if the premises are licensed for the sale of liquor under the Licensing (Scotland) Act 2005; or
- b) where there is a public entertainment licence in place under Section 41 of the Civic Government (Scotland) Act 1982.

A licence is required for such premises if the late hours catering takes place outwith the permitted hours for the sale of alcohol or for public entertainment.

Definition of food

Food' (or 'foodstuff') means any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans.

'Food' includes drink, chewing gum and any substance, including water, intentionally incorporated into the food during its manufacture, preparation or treatment.

If the products to be sold or consumed between 11pm and 5am fall within the definition of food then a late hours catering licence is required. This means that late opening shops as well as takeaways require such licences.

2. Licensing Committee Policy Guidelines

a. City Centre/Beach Area and Outwith the City Centre

The Committee has different terminal hours for premises within the city centre and beach area and outwith those areas. The area boundaries are as follows:

City Centre Area (see Appendix 1) – Holburn Junction, Union Street, Rose Street, Skene Street, Rosemount Viaduct, Schoolhill, Upperkirkgate, Gallowgate, Littlejohn Street, West North Street, East North Street, Commerce Street, Virginia Street, Trinity Quay, Guild Street, College Street, Wellington Place, Springbank Terrace, Willowbank Road and Holburn Street;

Aberdeen Beach Area – The Beach Esplanade, the Beach Boulevard and Links Road; and

Outwith City Centre/Beach – All areas within the Aberdeen City Council boundary except the City Centre and Aberdeen Beach Areas.

b. Terminal hour

City Centre and Aberdeen Beach area

Premises which are located in the city centre have a current maximum terminal hour of Sunday to Thursday 03:00 and Friday and Saturdays 04:00. The city centre for late hours catering purposes also includes the beach area.

Outwith City Centre

Premises outwith the city centre or beach area have a maximum terminal hour of midnight Monday to Sunday.

c. 24 Hour Superstores and Petrol Stations

- i) 24 hour superstores, which have an in-store café, have a maximum terminal hour of 05:00
- ii) 24 hour petrol stations have a maximum terminal hour of 05:00

d. Delegated Powers

Officers have delegated powers to determine applications, unless there is a potential ground for refusal; For example, an application outwith the guidelines or a representation or objection has been submitted.

In addition, where the applicant seeks to trade beyond the committee's current guideline terminal hours and the application attracts no objection or adverse observations, the application may be granted by officers under delegated powers. Such additional delegations of powers shall not apply to trading in hot food and/or hot beverages.

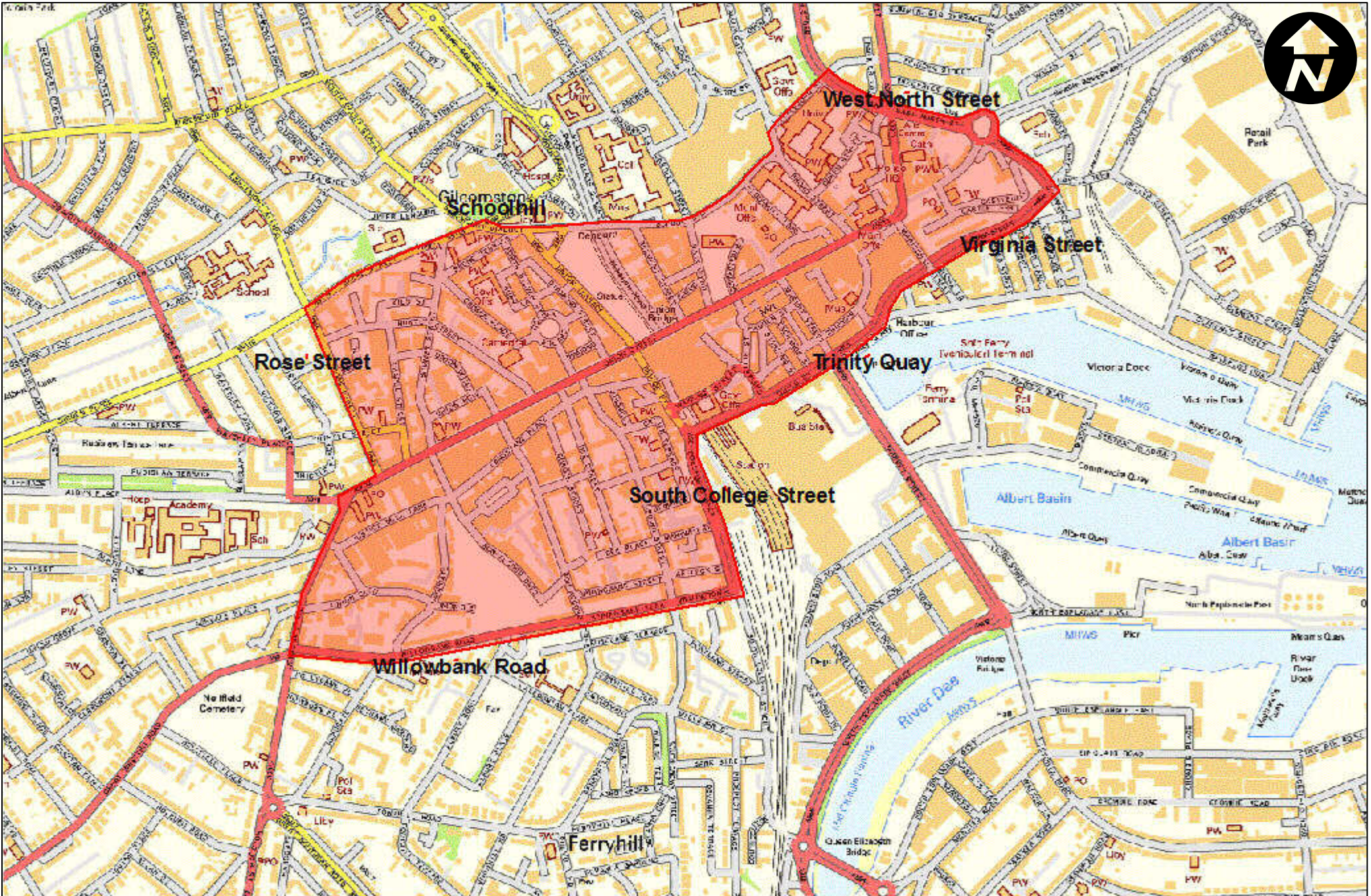
e. Beginning and end of British Summertime (BST)

The Licensing Committee introduced the following condition of licence to ensure that late hours catering premises neither lose nor gain trading hours when the clock changes. "The beginning or ending of British Summer Time is to be disregarded for the purpose of determining the time at which the period of licensed hours ends and, accordingly, the period ends at the time it would have ended had British Summer Time not begun or ended."

Late opening liquor licensed premises deal with the clock change in exactly the same manner.

f. Managing Terminal Hours/Closing Times

Licence holders are not permitted to take payment prior to their terminal hour and permit customers to remain in their premises beyond those hours whilst food is prepared and/or eaten. All orders must be prepared and the premises closed by the terminal hour.





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ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	21 February 2024
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Back Wynd Taxi Rank Hours of Operation
REPORT NUMBER	COM/24/056
DIRECTOR	Gale Beattie
CHIEF OFFICER	Jenni Lawson
REPORT AUTHOR	Sandy Munro
TERMS OF REFERENCE	16.3

1. PURPOSE OF REPORT

- 1.1 To seek Committee approval to undertake a consultation exercise on the prospect of increasing the hours of operation of the Back Wynd taxi rank whilst the night time rank on Union Street is inaccessible.

2. RECOMMENDATION(S)

That the Committee:-

- 2.1 Authorise the Chief Officer (Governance) to undertake a consultation exercise on increasing the hours of operation of the Back Wynd taxi rank to 24 hours a day; and
- 2.2 Instruct the Chief Officer (Governance) to report the results of the consultation exercise to the Committee at the meeting on 24 April 2024

3. CURRENT SITUATION

- 3.1 The Back Wynd taxi rank currently operates from 0500 hours to 0000 hours daily. A night time taxi rank situated on Union Street caters for passengers between the hours of 0000 and 0500 currently.
- 3.2 As a result of construction works scheduled to be carried out on Union Street from 29 April 2024 the night time rank will be inaccessible.
- 3.3 It is proposed to increase the hours of operation of the Back Wynd rank to compensate for the temporary loss of the night time rank. The change in hours would commence on 29 April 2024 to coincide with the construction works.
- 3.4 This report seeks authorisation to carry out a consultation exercise with the trade, police and public on the proposed changes and to report back to Committee in April with the results.

4. FINANCIAL IMPLICATIONS

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

5. LEGAL IMPLICATIONS

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

6. ENVIRONMENTAL IMPLICATIONS

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

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	N/A			Yes
Compliance	N/A			Yes
Operational	N/A			Yes
Financial	N/A			Yes
Reputational	N/A			Yes
Environment / Climate	N/A			Yes

8. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	No assessment required. I confirm this has been discussed and agreed with Jenni Lawson, Chief Officer, Governance on 1 February 2024
Data Protection Impact Assessment	Not required
Other	N/A

9. BACKGROUND PAPERS

9.1 None

10. APPENDICES

10.1 None

11. REPORT AUTHOR CONTACT DETAILS

Name	Sandy Munro
Title	Solicitor
Email Address	AleMunro@aberdeencity.gov.uk

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Application	Name of Applicant & Agent	Premises of which application refers	Representations received	Date by which application to be determined (date order)	Page Number Start
HMO Application (Renewal)	Gael Mian Mansell + D J Alexander	61 Raeden Crescent, Aberdeen	HMO Team	26 February 2024	61-62
HMO Application (Renewal)	Mike Laing	168 Morrison Drive, Aberdeen	HMO Team	10 March 2024	63-66
HMO Application (Renewal)	Martin Flett + D J Alexander	Third Floor Flat, 21 Justice Street, Aberdeen	HMO Team	12 April 2024	67-68
HMO Application (New)	Starr Union Street Limited + Winchesters Lettings	406 Union Street, Aberdeen	HMO Team	13 April 2024	69-72
Short Term Let Application (Existing Operator)	Mercy Olatunbosun Brown	Flat 34 Fraser House, 9 Market Street, Aberdeen	3 Objections	17 May 2024	73-100
Short Term Let Application (new operator)	Gylan Manson	74 Craigiebuckler Avenue, Aberdeen	2 Objections	1 August 2024	101-112
Short Term Let Application (Existing Operator)	Steven Watt	79 Ashgrove Avenue, Aberdeen	1 Objection	27 September 2024	113-122
Short Term Let Application (Existing Operator)	Laura Thain + Mycosy Apartments Ltd	170 Ocean Apartments 52-54 Park Road, Aberdeen	1 Objection	27 September 2024	123-130

Application	Name of Applicant & Agent	Premises of which application refers	Representations received	Date by which application to be determined (date order)	Page Number Start
Complaint - Taxi Driver and Vehicle Licence	Mame Leye Mbaye	N/A	Complaint x 2	N/A	131-136
Complaint - Taxi Driver and Vehicle Licence	Adefemi (Tony) Adu	N/A	Complaint x 2	N/A	137-144
Complaint - Taxi Driver Licence	Nikolay Malinov	N/A	Complaint	N/A	145-148
Complaint - Taxi Driver and Vehicle Licence	William McKenzie	N/A	Complaint x 4	N/A	149-158
WAV Exemption Request - Taxi Licence	Steve Wilson	N/A	Request from Applicant	N/A	159-160
Exemption from Street Knowledge Test - Taxi Driver Licence	Neil Muirson	N/A	Request from applicant	N/A	161-162
Taxi Driver Licence – renewal	William Cameron	N/A	Legal	N/A	163-166

LICENSING COMMITTEE INFORMATION SHEET

21 February 2024

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: GAEL MANSELL

ADDRESS: 61 RAEDEN CRESCENT, ABERDEEN

AGENT: D J ALEXANDER

INFORMATION NOTE

- Application Submitted 27/02/2023
- Determination Date 26/02/2024

At the date of drafting this Information Note, a new HMO licence cannot be granted for the reason that work requirements to bring the property up to the current HMO standard have not been completed. The meeting of the Licensing Committee on 21 February 2024, 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 21 February 2024. I will advise the Committee whether the applicant has satisfactorily completed the necessary work requirements.

DESCRIPTION

The property at No.61 Raeden Crescent, Aberdeen, a 2 Storey, mid-terraced property, providing accommodation of 3 letting bedrooms, dining kitchen, lounge and bathroom. The applicant has requested an occupancy of 3 tenants, which is acceptable in terms of space and layout.

CONSULTEES

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

OBJECTIONS/REPRESENTATIONS

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

COMMITTEE GUIDELINES/POLICY

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

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

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.61 Raeden Crescent, 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.61 Raeden Crescent, Aberdeen.
- The extent of the above-mentioned work requirements are as follows:
 - 1) The bedroom 3 cupboard door is to be eased to operate correctly.
 - 2) A window in each room must be capable of being easily opened for ventilation. In this regard the right-hand lounge pivot window mechanism/handle is to be repaired or renewed. The shower room tilt and turn window is to be adjusted to allow the window to tilt.
 - 3) Supply keys for the lockable window handles throughout the property.

LICENSING COMMITTEE INFORMATION SHEET

21 February 2024

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: MIKE LAING

ADDRESS: 168 MORRISON DRIVE, ABERDEEN

AGENT: NONE

INFORMATION NOTE

- Application Submitted 11/03/2023
- Determination Date 10/03/2024

At the date of drafting this Information Note, a new HMO licence cannot be granted for the reason that work and certification requirements to bring the property up to the current HMO standard have not been completed. The meeting of the Licensing Committee on 21 February 2024, 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 21 February 2024. I will advise the Committee whether the applicant has satisfactorily completed the necessary work and certification.

DESCRIPTION

The property at No.168 Morrison Drive, Aberdeen, first floor, flatted property, providing accommodation of 3 letting bedrooms, dining kitchen and bathroom. The applicant has requested an occupancy of 3 tenants, which is acceptable in terms of space and layout.

CONSULTEES

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

OBJECTIONS/REPRESENTATIONS

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

COMMITTEE GUIDELINES/POLICY

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

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

GROUNDS FOR REFUSAL

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

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

OTHER CONSIDERATIONS

- The applicant is registered as a landlord with this Council and the registration includes No.168 Morrison Drive, 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.168 Morrison Drive, Aberdeen.
- The extent of the above-mentioned work requirements are as follows:
 - 1) The number of electrical sockets must meet the following minimum Standard: 6 in the kitchen – 6 in the bedrooms – 6 in the living room – 2 Additional sockets elsewhere in the premises. In this regard ensure that the required number of sockets in each room is readily accessible, as discussed on site (bedroom 1).
 - 2) All self-closing doors must be capable of closing fully against their stops from all angles of swing. In this regard the bedroom 1 door is to be eased/adjusted to latch correctly.
 - 3) A window in each room must be capable of being easily opened for ventilation. In this regard the bedroom 3 tilt and turn window mechanism is to be overhauled/repared for the window to operate correctly.
 - 4) There is evidence of a previous water penetration to the kitchen ceiling. The affected area should be made good then decorated accordingly.

- 5) The kitchen wall unit door is required to be re-aligned and the bottom kitchen unit drawer is to be repaired to operate correctly.

The following certificates must be uploaded:

1. Gas Safety Certificate, detailing all gas appliances and carbon monoxide detectors (annually).
2. Electrical Installation Condition Report, which meets the requirements of BS 7671
3. Certificate of Compliance

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LICENSING COMMITTEE INFORMATION SHEET

21 February 2024

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: MARTIN FLETT

ADDRESS: THIRD FLOOR FLAT, 21 JUSTICE STREET, ABERDEEN

AGENT: D J ALEXANDER

INFORMATION NOTE

- Application Submitted 13/04/2023
- Determination Date 12/04/2024

At the date of drafting this Information Note, a new HMO licence cannot be granted for the reason that work requirements to bring the property up to the current HMO standard have not been completed. The meeting of the Licensing Committee on 21 February 2024, 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 21 February 2024. I will advise the Committee whether the applicant has satisfactorily completed the necessary work.

DESCRIPTION

The property at Third Floor Flat, 21 Justice Street, Aberdeen, is a 3rd Floor, flatted property, providing accommodation of 3 letting bedrooms, kitchen, lounge and shower room. The applicant has requested an occupancy of 3 tenants, which is acceptable in terms of space and layout.

CONSULTEES

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

OBJECTIONS/REPRESENTATIONS

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

COMMITTEE GUIDELINES/POLICY

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

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

GROUNDINGS FOR REFUSAL

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

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

OTHER CONSIDERATIONS

- The applicant is registered as a landlord with this Council and the registration includes Third Floor Flat, 21 Justice 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 Third Floor Flat, 21 Justice Street, Aberdeen.
- The extent of the above-mentioned work requirements are as follows:
 - 1) Mould at the lounge and bedroom 1 and 2 window areas
 - 2) The property has water ingress to the lounge and bedroom 3 areas

LICENSING COMMITTEE INFORMATION SHEET

21 February 2024

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (NEW)

APPLICANT: STARR UNION STREET LIMITED

ADDRESS: 406 UNION STREET, ABERDEEN

AGENT: WINCHESTERS LETTINGS

INFORMATION NOTE

- Application Submitted 14/04/2023
- Determination Date 13/04/2024

At the date of drafting this Information Note, a new HMO licence cannot be granted for the reason that work and certification requirements to bring the property up to the current HMO standard have not been completed. The meeting of the Licensing Committee on 21 February 2024, 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 21 February 2024. I will advise the Committee whether the applicant has satisfactorily completed the necessary work and certification.

DESCRIPTION

The property at No.406 Union Street, Aberdeen, a 1st & 2nd floor, flatted property, providing accommodation of 5 letting bedrooms, open plan kitchen/lounge, utility room, and shower room. The applicant has requested an occupancy of 5 tenants, which is acceptable in terms of space and layout.

CONSULTEES

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

OBJECTIONS/REPRESENTATIONS

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

COMMITTEE GUIDELINES/POLICY

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

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

GROUNDINGS FOR REFUSAL

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

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

OTHER CONSIDERATIONS

- The applicant is registered as a landlord with this Council and the registration includes No. 406 Union 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. 406 Union Street, Aberdeen.
- The extent of the above-mentioned work requirements are as follows:
 - All faulty/missing light bulbs must be immediately replaced.
 - The number of electrical sockets must meet the following minimum Standard: 6 in the kitchen – 6 in the bedrooms – 6 in the living room – 4 Additional sockets elsewhere in the premises. In this regard ensure that the required number of sockets in each room is readily accessible.
 - A Carbon Monoxide Detector (operated by a long-life sealed battery) must be installed within any room where a gas appliance or a flue from such an appliance is located and must be installed in accordance with the manufacturer's instructions.
 - All room and final exit door locks must be capable of being opened from the inside, without the use of a key. Any door lock not normally

in use must be permanently disabled. In this regard a lock with a turn button would be suitable on the vestibule door.

- Handles are to be fitted to the bedroom 3 and 4 fitted wardrobes.
- A window in each room must be capable of being easily opened for ventilation. In this regard the bedroom 3 and 4 window safety catches are to be repaired to operate correctly.
- The tall larder unit located in the upper floor utility room is to be securely re-fixed to the wall.
- There is evidence of mould growth to the bedroom 3 windows; this should be treated with an anti-fungicidal wash as per manufactures instructions.
- The floor coverings located in the utility room and bedrooms 3 & 5, are to be thoroughly cleaned, as discussed on site.

The following certificates are outstanding:

1. Certificate of Compliance
2. Gas Safety Certificate, detailing all gas appliances and carbon monoxide detectors (annually).
3. Itemised Portable Appliance Testing (PAT) Certificates, for all electrical appliances provided by the owner (annually).
5. Private Residential Tenancy Agreement, an anti- social behaviour clause must be detailed.
6. Scottish Fire and Safety Service letter

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LICENSING COMMITTEE INFORMATION SHEET

21 February 2024

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 one record of complaint in respect of Flat 34 Fraser House, 9 Market Street, Aberdeen:
 - 25/03/2023 – An email reporting that the occupant was working as a prostitute from the property.
- There is one Granted Short Term Let licence on Market Street, Flat K, 164 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,%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 13th 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 14th 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 23rd 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 5th 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 1st and 2nd floor, don't know if there is a hidden camera on the 3rd 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 4th of June, when I went to the flat the sign was there , on the 9th 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 10th 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

Lives in

[Show profile](#)

Send or request money

Call

a

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

ello,

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

Kind regards,

Booking confirmed.

About

5.0 rating from 2 reviews

Identity verified

Joined Airbnb in

Lives in

[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. X



Reservation details

Past guest

[Redacted]
2 guests

About [Redacted]

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

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](#)

[Redacted]

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]

[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.



[Redacted]

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



Request accepted



Review from guest compliance 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 website -
Available in the website -

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: 26th May 2023 – Earliest notice can be removed 17th June 2023. - done and email sent

Flat 34, 9 Market Street: 2nd 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 harrassed 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

21 February 2024

Public Application

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

APPLICANT: GYLAN MANSON

PROPERTY MANAGER: GYLAN MANSON

ADDRESS: 74 CRAIGIEBUCKLER AVENUE, ABERDEEN

INFORMATION NOTE

- Application Submitted 01/11/2023
- Determination Date 01/08/2024

This Short Term Let licence application is on the agenda of the Licensing Committee for the reason that 2 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 under delegated powers since at the time of drafting this information note, the necessary certification has not been completed.

DESCRIPTION

The property at 74 Craigiebuckler Avenue, Aberdeen, is the subject of this new Short Term Let licence application and its accommodation comprises of a Kitchen/ Dining Room, Lounge, Utility Room, Shower Room, and a Bathroom. The property also has 2 bedrooms where one of the bedrooms has an en-suite. The applicant wishes to accommodate a maximum of 4 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 Shona Beattie (Attached as Appendix B)
- One objection email from Alexandra Sansbury (Attached as Appendix C)

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 certification required by the Private Sector Housing Officer, has not been completed.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints in respect of 74 Craigiebuckler Avenue, Aberdeen.
- There are no Granted Short Term Let licenses at Craigiebuckler Avenue.
- The property is currently unlicensed. As the applicant is a new operator, the property cannot operate as a Short Term Let until the Licence application is determined.

'A'



'B'

From: Shona Beattie

Sent: Sunday, December 24, 2023 3:08 PM

To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>

Subject: Urgent objection re pending licence no AC81753N

Dear Sir/Madam ,

I would like to request clarification re the above licence application for short term let (STL).

A public notice regarding this application was first displayed on a tree trunk outside the property on 22/12/23. The notice is dated 01/11/23 and states there are 28 days from this date to lodge objections. On checking current council guidelines it suggests that there are 28 days following display of the public notice in which to lodge objections. On the council website it appears that the licence is still pending determination.

If the licence has been approved it appears the public notice requirements have not been adhered to .

If the licence is still pending I believe current legislation has been breached as the property is already listed on at least one online site (Air bnb) and is available to rent (see attachment , screenshot taken 24/12/23)

Can you also clarify what constitutes a short term let as this online advert regarding property includes “ long term stays allowed (allow stays of 28 days or more)” (included in attachment)

Given the above information I have no confidence in the applicant’s intentions or ability to follow licence requirements and legislation.

As the owner of the adjacent, adjoined property I wish to clearly object to the granting of a STL licence on the following grounds .

1 Craigiebuckler is a quiet residential area with a strong sense of community .

A property being used for STL would negatively and significantly impact on the area especially for the immediate neighbourhood. The frequently changing unknown residents of STL will impact on the sense of safety and security in the neighbourhood.

2 Noise pollution Internal . As a typical 1960’s built semi detached property the quality of sound insulation is not adequate to minimise the frequent comings and goings , and lifestyle of people letting the property as a holiday home . The frequency of access for cleaning the property would also impact on noise pollution.

The noise pollution of STL would be significantly different to the usual acceptable level of normal day to day life of permanent neighbours .

3 Noise pollution External . As highlighted in the current Air bnb advert the property has a “ very large summerhouse , a table which can accommodate 8 people comfortably and a handcrafted pizza oven “ . These amenities give the impression of a “ party house “ , not quite the “ quiet, peaceful “ spot advertised .

As the garden is very visible from my own property I feel that my own privacy will be invaded by people unknown to me at frequent intervals. The configuration of neighbourhood gardens suggest that other neighbours will be negatively impacted by noise pollution also .

4 Parking . While the property has parking available off street , the drive access is directly on a corner which visitors to the property may find challenging and impact on the safety of other road users . Cars not accommodated on site would impact on limited on street parking for other neighbours given there's is no safe on street parking directly outside the property.

As a resident of Craigiebuckler for 25 years and retiree I have invested in my own property to future proof it for my later years . I feel strongly that the licensing for STL of the adjoining property would significantly impact on my wellbeing, safety and security. I would ask that you kindly consider these objections prior to determining the outcome of the licence application.

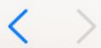
Kind Regards

Shona Beattie

[REDACTED]

Aberdeen

[REDACTED]



AA

airbnb.co.uk



Airbnb | Aberdeen – Holiday Rentals & Places to S...

Quiet & Peaceful - Houses for Rent in Aberdeen Ci...



Aber...

Any ...

4 gu...



Airbnb your home



Your search



National parks



Countryside



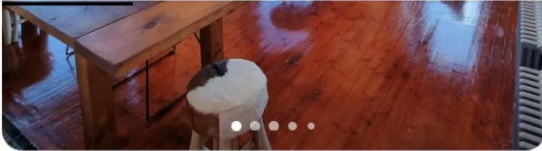
Rooms



Farms



Filters



Apartment in Aberdeen... ★ 4.86 (192)

Luxury 2BR w/ panoramic views + hig...

Individual Host

9-14 Jan

£120 £108 night · £536 total



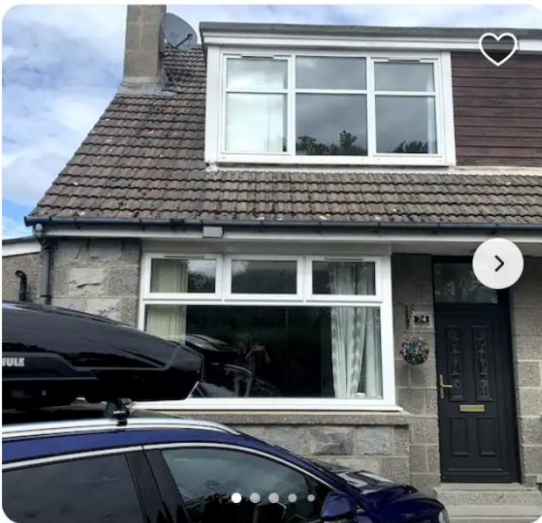
Cottage in Aberdeen City ★ 4.84 (49)

Footdee Cottage (uk31359)

Professional Host

12-19 Jan

£67 night · £465 total



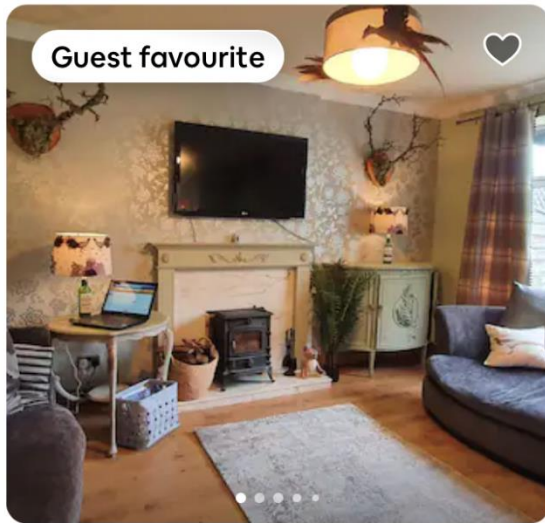
Home in Aberdeen City

Quiet & Peaceful

Individual Host

1-6 Jan

£175 night · £871 total



Guest favourite

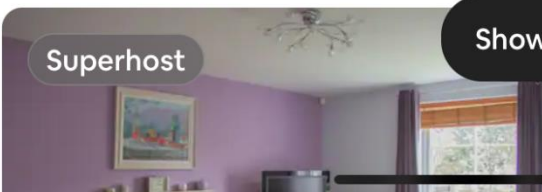
Home in Aberdeen City ★ 4.85 (81)

Heather Cottage in Aberdeen,...

Individual Host

8-13 Jan

£137 night · £685 total

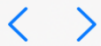


Superhost

Show map



Guest favourite



AA

airbnb.co.uk



Radio 2 - Listen Li...

Fubar News

Airbnb | Aberdeen...

Quiet & Peaceful -...

Photos Amenities Reviews Location

What this place offers

- Kitchen
- Wifi
- Free parking on premises
- Pets allowed
- Security cameras on property

Show all 58 amenities

2 nights in Aberdeen City

29 Dec 2023 - 31 Dec 2023

December 2023						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Clear dates

£145 night

CHECK-IN 29/12...	CHECK... 31/12/...
GUESTS 3 guests	

Reserve

You won't be charged yet

£145 x 2 nights £290

Cleaning fee £10

Airbnb service fee £51

Total £351





Parking and facilities

 Free parking on premises


 Free on-street parking

Services

 Pets allowed
Assistance animals are always allowed

 Luggage drop-off allowed
For guests' convenience when they are arriving early or departing late

 Long-term stays allowed
Allow stays of 28 days or more

 Cleaning available during stay

Not included

 Air conditioning



×

About this space

Forget your worries in this spacious and serene space in the sought after area of Craigiebuckler.

A regular bus service (literally across the road) will take you into the city centre. Alternatively, a 10 minute walk will take you to the very popular Hazelhead Park.

The space

2 spacious bedrooms located upstairs, one of which has an ensuite. Downstairs you will find the living room to the front of the house.

To the rear, a bathroom and large kitchen/dining room. From there you will find a utility room and access to the garden.

A very large summer house is located at the rear, as is a table which can accommodate 8 people comfortably.

There is also a handcrafted pizza oven which makes the BEST pizzas in 60 (yes, 60!!) seconds.

Guest access

Entire property, no restrictions.

What this place offers

Kitchen

Wifi

Free parking on premises

'C'

From: Alex
Sent: Wednesday, December 27, 2023 10:40 AM
To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>
Subject: 9051019365

Hello,

I'd like to object to the short term let application made for 74 Craigiebuckler Avenue, using the reference number in the subject heading.

I am the resident/owner of [REDACTED]. Whilst I have absolutely no objection to long term leasing of the property at number 74 that would bring stability, I am really concerned about the prospect of short term leasing and the disruption that will inevitably bring.

Firstly, the property is positioned on a blind corner. On street parking, or verge parking, is unsafe for both road users and pedestrians. In particular because the property is directly opposite a children's play park. Any on street/verge parking outside this property, forces drivers onto the opposite side of the road on a blind corner which is dangerous. Temporary users of the property are less likely to be aware of this existing hazard, affecting the community daily.

I'm concerned about the prospect of noise, both inside and outside, with little ability for recourse given the short term nature of anyone staying there. Our gardens are adjoining, as with a few of my neighbours, with very low walls, making the back gardens feel very connected in the summer months. Any noise/parties/music carries into our gardens and homes. This affects me any time of the day/night given that I also work from home.

I am a single woman living alone, which I believe makes me vulnerable in this situation. Should any issue need to be resolved like noise for example, I'd like to be able to feel comfortable resolving things directly with my neighbours, an important part of our street community makes this possible. I will not feel safe to do this with strangers passing through.

I think for the benefit of my other neighbours, it's also important to note that of the eight houses on this section of the street, four houses are occupied by single women living alone.

So, for the reasons above, I'd like my objection to the above application to be taken into consideration.

Please let me know if you need any further information.

Thank you
Alexandra Sansbury
[REDACTED]

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LICENSING COMMITTEE INFORMATION SHEET

21 February 2024

Public Application

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

APPLICANT: KENNETH WATT

PROPERTY MANAGER: KENNETH WATT, ALISON WATT & STEVEN WATT

ADDRESS: 79 ASHGROVE AVENUE, ABERDEEN

INFORMATION NOTE

- Application Submitted 28/09/2023
- Determination Date 27/09/2024

This Short Term Let licence application is on the agenda of the Licensing Committee for the reason that 1 representation/objection was 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 79 Ashgrove Avenue, Aberdeen, is the subject of this new Short Term Let licence application and its accommodation comprises of a 4 storey, tenement property, providing 2 letting bedrooms for 4 persons, kitchen, lounge, shower/bathroom. The applicant wishes to accommodate a maximum of 4 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 Ross Gibb and Jodi Gemmell (Attached as Appendix B)

- One representation letter from Kenneth & Alison Watt (Attached as Appendix C)

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

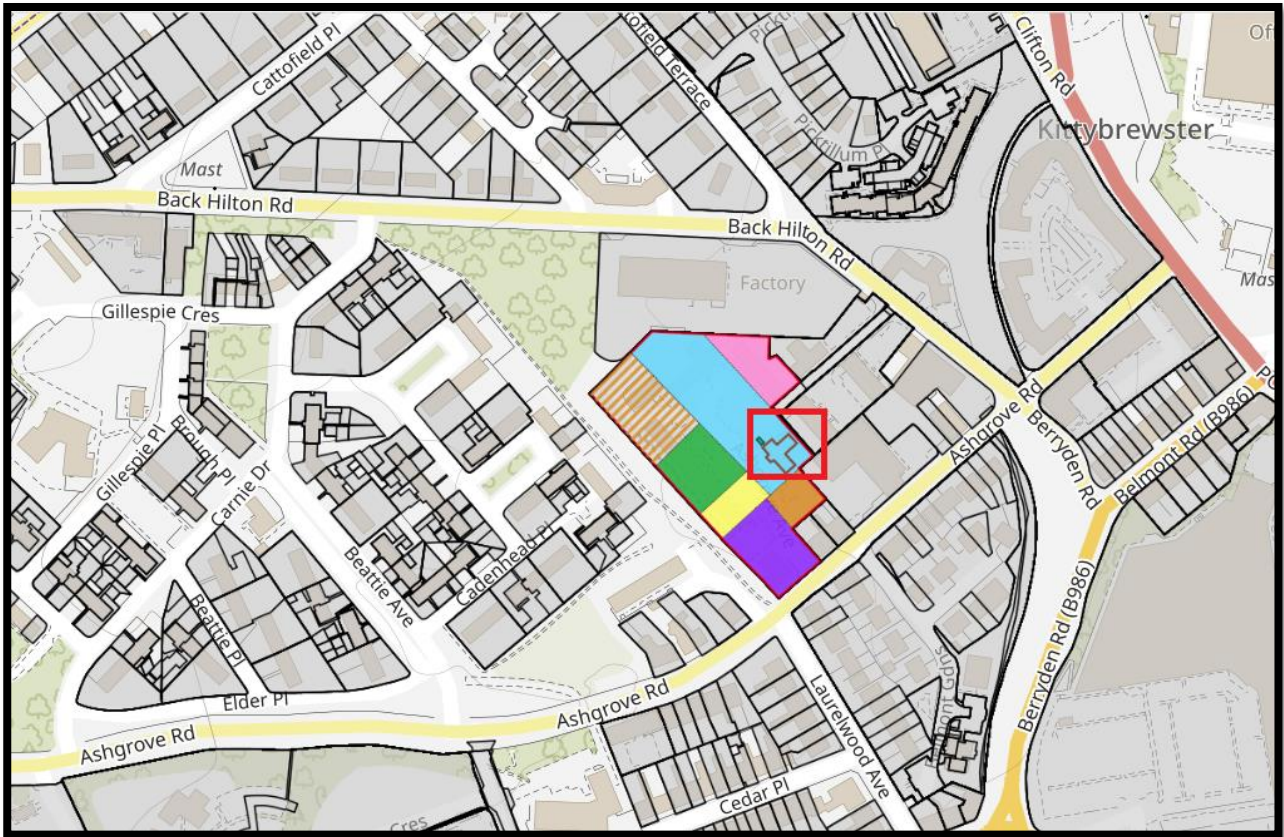
(v)public order or public safety; or

(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 79 Ashgrove Avenue, Aberdeen.
- There are no Granted Short Term Let licenses at Ashgrove Avenue.
- 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.

'A'



'B'

From: Ross Gibb
Sent: Friday, September 29, 2023 5:59 PM
To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>
Subject: No.79 Ashgrove Avenue AB253BQ

Dear planning officers.

Myself and my Partner, occupants of [REDACTED] Avenue wish to object to the application for short term let license no: HSTL550554555.
For the following reasons-

We are concerned that due to the location of the let in a largely residential area may cause us disturbance during weekends. The building lacks high quality sound insulation. The short term let in our building has been used for short stays hosting parties in the past which has causes a noise nuisance. And due to the nature of the Air B&B business we have limited options for recourse.

We are also concerned by the lack of availability of parking in the area for increased traffic. Which already causes issues.

We hope you take our points into serios condition and reject the above application.

Regards

Ross Gibb and Jodi Gemmell
[REDACTED]

Thanks

Ross Gibb

'C'

Response to Objection to the Application for Short Term Let Licence, #HSTL 550554555 for 79 Ashgrove Ave. by the Occupants of [REDACTED]

There are 3 parts to the objection raised by Ross Gibb & Jodi Gemmell

- 1) parties
- 2) noise
- 3) parking

1. **Parties:** We have no evidence over the past 20 years of parties taking place, and there have been no complaints made. We would appreciate knowing the dates when such parties are claimed to have taken place, to correlate them with the guests who were staying.
2. **Noise:** Our flat, #79 only shares a short bedroom wall with flat [REDACTED] bedroom (see diagram A attached), which is also insulated from our flat by a built in cupboard & wardrobe. It is unlikely that any noise is created in our bedroom. There is far more noise & disturbance created by the flats above our floor. Flat [REDACTED] also ajoins flat [REDACTED]. Other sources of annoying noise mainly comes from people banging the main stairwell door & lack of carpets on floors in favour of noisy wooden/laminate floor coverings.
3. **Parking:** According to the plans provided by the builder there are (see diagram B & C) 95 lock block parking spaces, allowing 1 reserved parking space per flat, within view of each flat. The markings delimiting the parking spaces have faded over time. This can cause confusion as to where people should park.
42 tarmac parking spaces for visitors
6 parking spaces for disabled residents.

I have been down to the estate at weekends, when any parties are likely to be taking place in the evenings. There has been on every occasion plenty of empty visitor parking spaces available. I have photographic proof.

Our new build flat was originally acquired in 1998 as a residence for our sons who were attending further education. When they had finished their courses the flat was used as long term residence for a short while and then subsequently as Short Term Holiday Lets. Having run a 4* Guest House for the past 20+ years we are aware that holiday guests and people coming to work or to visit the hospital, university, etc., prefer a self catering flat rather than staying in a B&B type accommodation. Our flat has proved very popular and would be greatly missed in Aberdeen if it was required to close down.

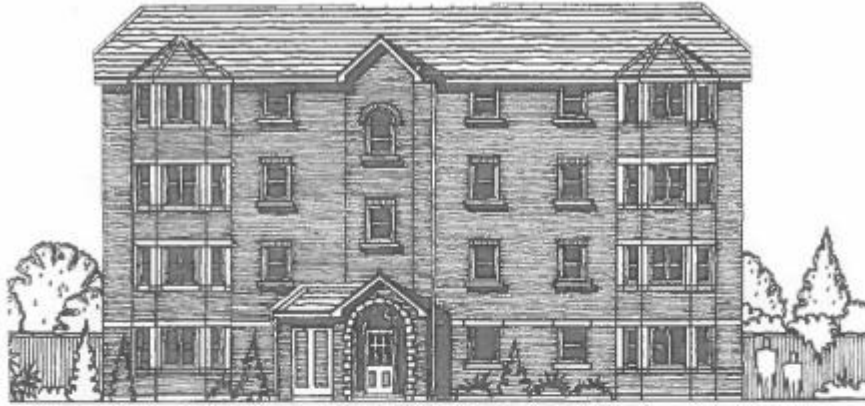
Since we do not use key boxes at any of our flats we meet and greet every guest, & make sure they know the preferred behaviour and use of communal spaces like the dustbin/cycle sheds.

We do not use outside contractors for cleaning & turning round the flats between stays. Therefore, my wife is in attendance almost every week at the flat and would be available to deal with any problems. She has never experienced any complaints from residents with whom she has talked.

Kenneth & Alison Watt
owners of
79 Ashgrove Avenue
Aberdeen AB25 3BQ
28th January 2024

Aberdeen City Council
Housing & Environment
DATE RECEIVED
29 JAN 2024
Private Sector Housing

Diagram A



Ground Floor





First, Second & Third Floors

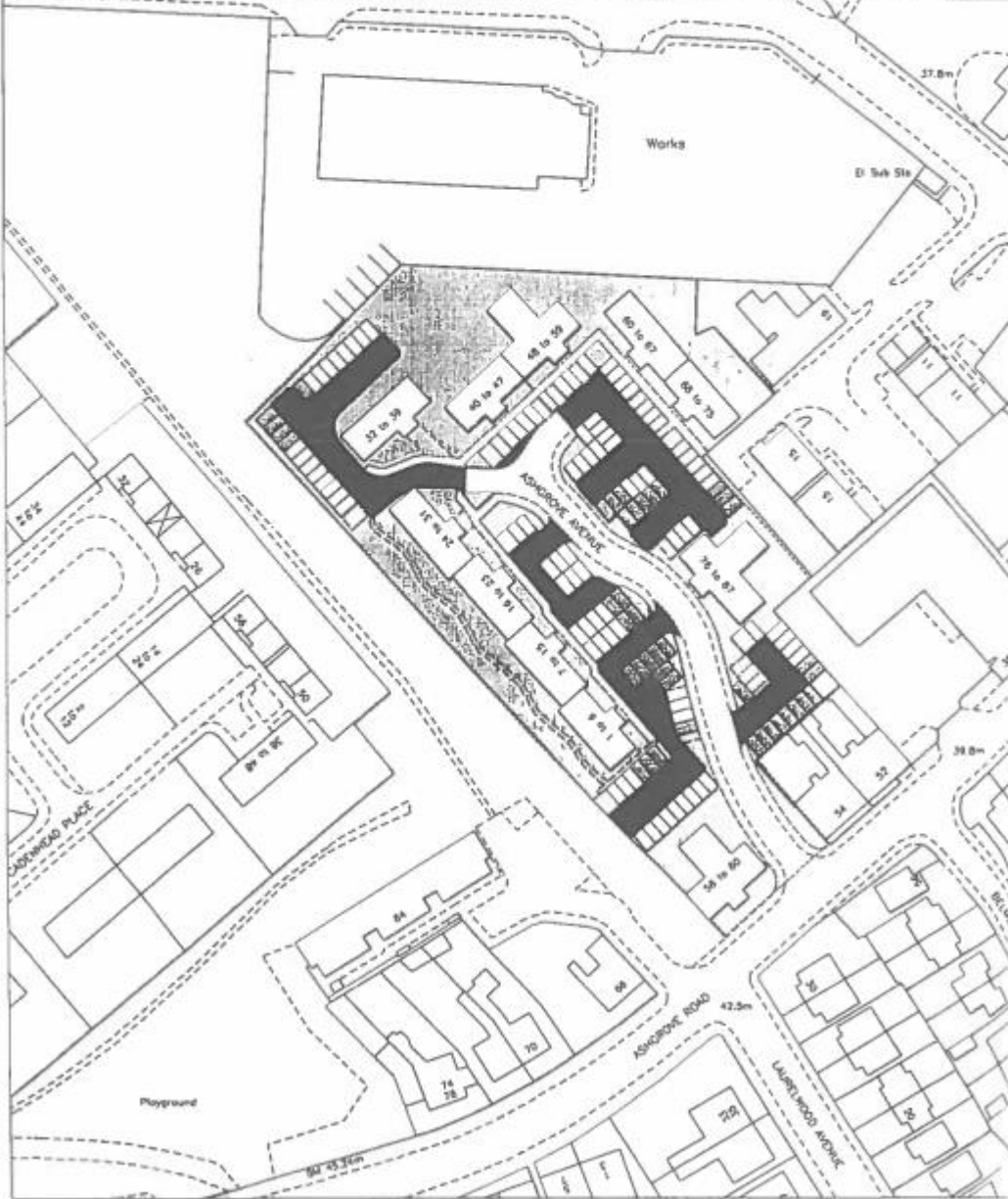


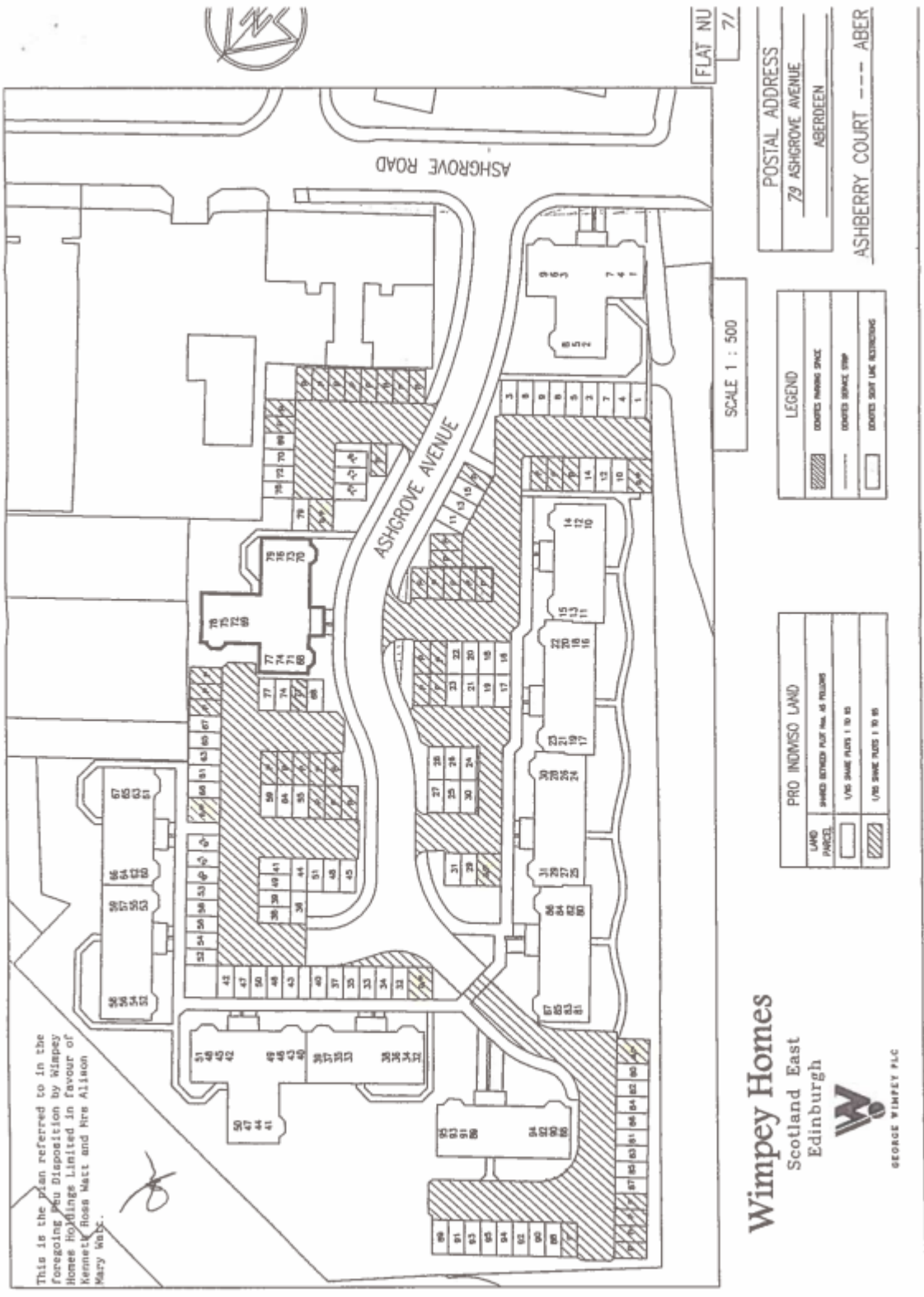
This range of flats are spacious one and two bedroomed apartments designed for an attractive lifestyle. Clever use of feature bay windows in the lounges enhance their appeal. These apartments also have good sized bedrooms; brand new fitted kitchens with integrated ovens, hobs and cooker hoods; and modern bathrooms. Built in exclusive blocks, this range of apartments offer a superb choice, all with the convenience of contemporary design and building technology.

Diagram B

 LAND REGISTER OF SCOTLAND	Officer's ID / Date	Supplementary Plan to Title
	3654 7/2/2002	ABN25672-1
 ORDNANCE SURVEY NATIONAL GRID REFERENCE		Scale
		1/1250
NJ9207NE		Survey Scale
		1/1250

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This is the plan referred to in the Foregoing Plan Disposition by Wimpey Homes Holdings Limited in favour of Kenneth Rose Watt and Mrs Alison Mary Watt.

Wimpey Homes
 Scotland East
 Edinburgh



GEORGE WIMPEY PLC

Diagram C.

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LICENSING COMMITTEE INFORMATION SHEET

21 February 2024

Public Application

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

APPLICANT: LAURA THAIN

PROPERTY MANAGER: MYCOSY APARTMENTS LIMITED

ADDRESS: 170 OCEAN APARTMENTS, 52-54 PARK ROAD, ABERDEEN

INFORMATION NOTE

- Application Submitted 28/09/2023
- Determination Date 27/09/2024

This Short Term Let licence application is on the agenda of the Licensing Committee for the reason that 1 representation/objection was 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 under delegated powers since at the time of drafting this information note, the necessary upgrading works have not been completed.

DESCRIPTION

The property at 170 Ocean Apartments, 52-54 Park Road, Aberdeen, is the subject of this new Short Term Let licence application and its accommodation comprises of a 2 Bedroom self-contained flat, open plan Lounge and Kitchen, Bathroom and ensuite. The applicant wishes to accommodate a maximum of 4 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 Trinity Factors (Attached as Appendix B)

- One representation letter from Mycosy Apartments Limited (Attached as Appendix C)

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](#)

GROUND 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

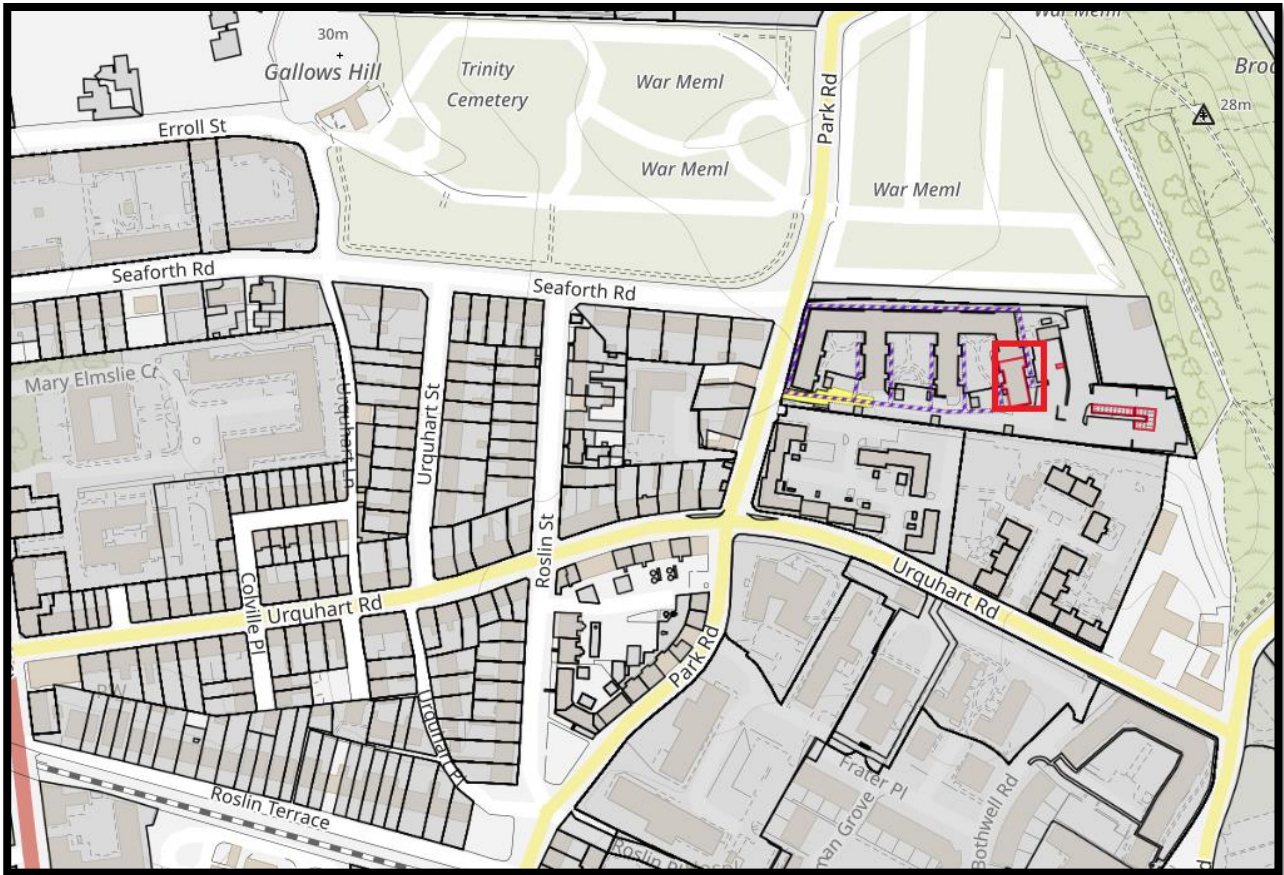
(v)public order or public safety; or

(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, has not yet been completed.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has one record of complaint in respect of 170 Ocean Apartments, 52-54 Park Road, Aberdeen:
 - 16/11/2021 – An email reporting that the occupant was working as a prostitute from the property.
- There are no Granted Short Term Let licenses at Park Road.
- 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.

'A'



'B'

From: Paula Roberts - Trinity Factors
Sent: Wednesday, October 4, 2023 2:55 PM
To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>
Subject: 170 Ocean apts

Good afternoon,

As owners at this development we are looking to object to the licence for the short term let at this address.

The communal areas are being littered with debris. Late night noise, parties and a high volume of non-residents are creating a nuisance and detracting from the peace and safety of the development.

Kind regards

Paula



Paula Roberts MA (Hons) AIRPM
Aberdeen Branch Manager
Head of Property Management - Aberdeen



Mycosy at the Ocean (170 Ocean 52/54 Park Road)

This apartment has been operating as a self-catering unit since January 2020 and during that time it has accommodated 186 bookings staying a total of 803 nights to October 2023.

It is professionally managed by Mycosy Partners Ltd on behalf of the owner Mrs Laura Thain.

It has 2 bedrooms and two bathrooms and is ideally suited to couples and families who prefer to have their own space and facilities.

The guest profile varies throughout the year, being popular with tourists exploring Aberdeen and the North East in the summer months, families starting their children at university in Autumn, and people travelling on business throughout the year. It is a year-round operation and guests have come from all over the world.

It has strict policies on guest behaviour, no parties and is a minimum stay of 3 nights to deter any bookings who plan to invite groups and hold parties.

The guests have instructions on disposing of recycling and general waste and the cleaner ensures that everything is disposed of and there is nothing left in the communal areas.

We have never been made aware of any rubbish being left in communal areas and have instituted a policy of the cleaner taking a picture of the communal areas on her arrival, to ensure this does not become an issue.

A neighbour has contacted us twice in the 4 years advising that the apartment was being used inappropriately with a sequence of visits by males. On becoming aware of these instances we immediately evicted the guests. We also updated our booking acknowledgement, advising guests that the entrance is overlooked by neighbours and any behaviour in contravention of the published house rules will result in immediate eviction with no refund.

The property is advertised on Booking.com, Airbnb, VRBO, Hotels.com and our own website.

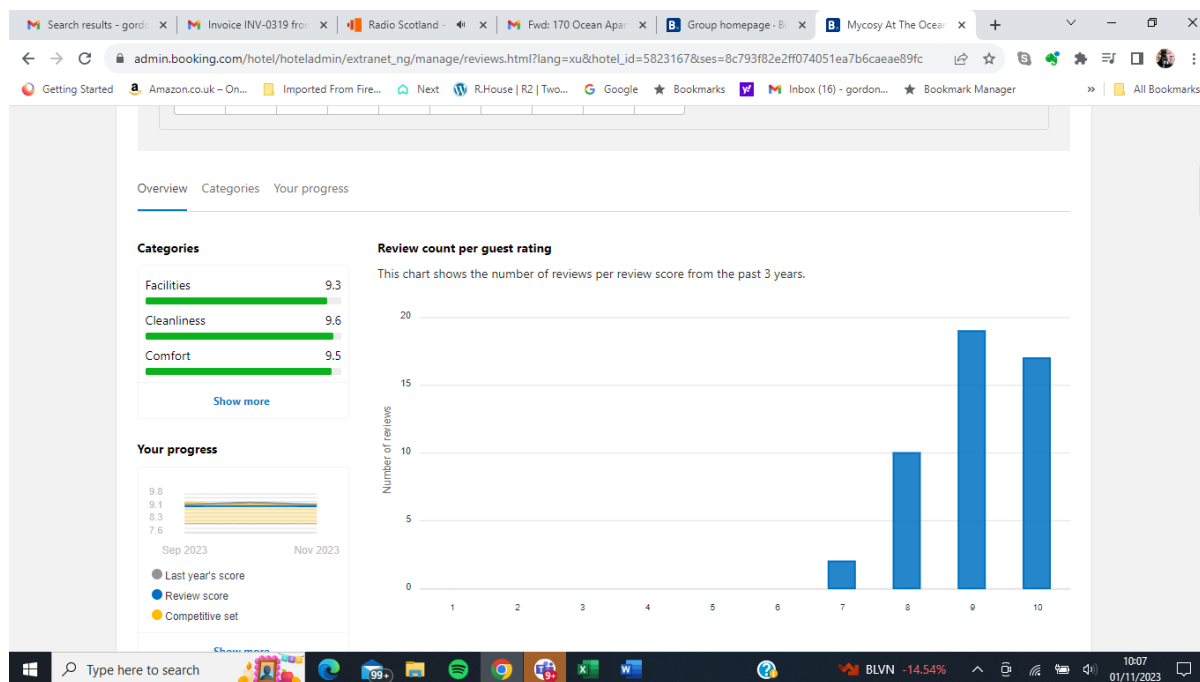
There is obviously a demand for this type of accommodation in Aberdeen and we believe that we are providing a quality service at an attractive price in a great location.

The hyper link to the listing is

<https://www.mycosyapartments.co.uk/properties/serviced-apartments-to-let-in-aberdeen/mycosy-at-the-ocean>

Below is an extract from Booking.com showing the overall rating and a cross section of guest comments appreciating the apartment and how it has enhanced their experience of visiting Aberdeen.

Booking.com score 9.1 from 48 reviews over nearly 4 years.



A selection of reviews

██████████ stayed Oct 2023

“Super apartment in an excellent quiet location. The apartment is large, well laid out and very comfortable. The wi-fi was very good and the TV had Freeview and Netflix. There were good cooking facilities plenty of plates and pots and pans. There is a reserved parking space in a gated car park so all very secure. Highly recommended and would definitely stay again”.

██████████ stayed Sept 2023

“Very clean, very quiet, nicely and comfortably furnished, great view of Castlegate and Marschall College, the landlords have thought of many small details (scissors, bottle opener, iron, USB plugs, etc). The proximity to the beach is also great”.

██████████ stayed Sept 2022

“I liked the space of the flat and the ease to obtain the keys. It was well appointed and comfortable with lots of directions provided to help with anything you needed in the flat and the surrounding area”.

LICENSING COMMITTEE INFORMATION SHEET 21 FEBRUARY 2024

LICENCE HOLDER: Mame Mbaye
TAXI DRIVER'S LICENCE: 1618

This has been deferred from the 12 December 2023 committee on the request of Mr Mbay's Union Representative.

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.

Please see the video file here for confirmation of the additional charge-
<\\aberdeencitycouncil0365.sharepoint.com@SSL\DavWWWRoot/sites\OT-LegalLicensing\Shared Documents\General\Licensing\Civic\Committee-2024\21.02.2024\Public Apps\Complaint x 21618 & T205 M Mbaye\MM - Video - Confirms £10 Min.MOV>

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

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.

GROUNDINGS FOR SUSPENSION/REVOICATION

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

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

- (a) the holder of the licence or, where the holder is not a natural person, any director of it or partner in it or any other person responsible for its management, is not or is no longer a fit and proper person to hold the licence;
- (b) the activity to which the licence relates is being managed by or carried on for the benefit of a person, other than the licence holder, who would have been refused the grant or renewal of the licence under paragraph 5(3) above;
- (c) the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety;
- (d) a condition of the licence has been contravened.

COMPLAINT 1

I would like to raise a formal complaint against Aberdeen City licensed taxi driver, Mame, SJ62 EWP.

On 28 December 2022, I experienced the same overcharging pattern as the several previous complaints submitted to ACC whilst travelling from Aberdeen train station taxi rank to the Ferryhill House Hotel.

Please find the enclosed video evidence. Evidence of the £10 taken from my bank account will be forwarded separately.

I trust my complaint will be fully investigated.

Kind regards

Photo of meter- not very clear but not showing £10



DRIVER RESPONSE

I acknowledge receipt of the complaint sent to me on 31.5.23 for a journey reported to have taken place on 28.12.22 – with a period of almost 5 months in between the journey taking place, and the complaint being passed to me. Given the time gap, one could expect it would be difficult for a taxi driver who takes many passengers over the course of 5 months to remember details of the interaction. But for reasons outlined below, I may recall that particular fare, because our encounter was unusual from the very start.

Let me be clear – I do not, and have not ever, said to a passenger that a £10 minimum fare applies for any journey paid by credit card. I value my taxi license, which is my livelihood, and I read the communications issued by Aberdeen City Council, and I follow the fare rules. I categorically deny that I demanded a £10 minimum fare as the customer has claimed.

I could not be precise about the day, but I do recall some time in an afternoon during the Festive period late December 2022, a man approached my taxi at Aberdeen Railway Station rank, and

before commencing our journey, asked me if I set a minimum £10 fare for any journey paid by card – he said he was asking because it had happened to him in the past. I said no, he would be charged what is on the meter.

We proceeded to Ferryhill House Hotel. The fare was less than £10 but the customer said words to the effect of “I’m sorry it is such a short journey for you, take £10 from my card” – this is a very common thing for customers to do and happens on an almost daily basis, but not when that same customer started our interaction by complaining about paying £10 for a short journey – and that is why the incident sticks in my mind. So I refute this complaint also for this reason – the customer volunteered to pay the fare with a tip included, within a £10 card payment.

The third reason I refute this claim is that the details given are inaccurate. When setting off on the journey, the meter would show £2.60 minimum fare plus £0.50 = £3.10. As the meter goes up in even numbers, the fare at destination would be an odd number - not an even number such as the £3.60 stated in the complaint.

I contest the passenger’s recollection of details of our interaction; I can confidently say that I have not broken the rules regarding fares and card payments at any time since commencing work at the rail station; and I have provided details which call into question the validity of the whole complaint.

I hope this meets your requirements.

DRIVER RESPONSE 2

Good Evening

Further to your message of 05.06.23 reinforcing the seriousness of this matter and alluding to a criminal offense being committed, I have sought the advice of both (name redacted), British Transport Police at Aberdeen Rail, and a solicitor, (Name redacted) who are both copied into this e-mail. I also learned from colleagues that I am the 5th taxi driver operating at the Rail that has carried a passenger, presumed to be the same passenger, to the Ferryhill House Hotel and had a complaint made against them, although I understand the circumstances are slightly different and those complaints were raised some time ago, whilst there was a delay of 5 months for the complaint being lodged against me – just as I returned to work after a long absence abroad, suggesting to me, they knew of my return.

I do not wish to amend my earlier response because I stand by what I said, but in light of the further information you have disclosed after your initial email advising me of the complaint, I would like to add this email to my response.

You say there is an audio recording of me. I have not heard that recording. Are you able to supply me with a copy? I cannot say how like me it sounds, but I can say it is not me as I do not say the words quoted to my customers ie I do not tell customers there is a £10 minimum charge for card payments. It is very hard to say much else without having heard it but is it indisputable that it was recorded during the exact situation laid out in the complaint or could it have been created after the event? We do live in a digital age, where there are means to produce recordings that are ‘fake’.

You say it is a picture of my meter but don't explain how you are so sure it is my meter or how you can be sure of the exact time and date that photo was taken. Even if this is based on imprints with the photo, it is now possible to edit this information if you choose to.

You say that *"if the passenger was paying £10 with the remainder as a tip, why would they then complain of being overcharged?"* which is exactly the point I tried to make in my first e-mail. The whole matter is very strange. As stated, the fare I think this could have been, stuck in my mind for the very reason it was very strange to complain about being overcharged for a short journey, then paying the exact amount you were annoyed about, for the same short journey. I can only suggest the reason they may then complain about it, is because it was always their intention to make a complaint in the first place.

Secretly recording a taxi driver is quite an extreme act, which I don't think most regular members of the public taking a run-of-the-mill taxi journey would take, and together with what is said in the previous paragraph, I am wondering if there is more behind this – am I being set up somehow?

I would propose there is a chance that this complaint is trumped up. I have advised you previously that I have been facing harassment from another Driver, (name redacted), who explicitly said to me he was going to make me lose my license. I include below my previous email on this. Your reply was that it was a police matter. I did pursue the matter with the police, he was interviewed, I was initially given the impression by the Police that (name redacted) would be arrested, but somehow this didn't happen. (name redacted) has access to many recordings of my voice as we were previously friends. It is possible he has got someone to imitate me or somehow digitally alter my voice to say the words he wanted and got a third party to present it all in a complaint to the Council. Is it possible that the voice recording was not even taken during an exchange in my taxi but made afterwards?

(name redacted) already set up a fake Facebook page in my name, announcing that I was homosexual (which is not true and was meant to be offensive and damaging due to my religion and being in a heterosexual marriage). He left his digital footprint on that occasion, perhaps he has got more sophisticated in his means of harassment. Again this was reported to the Police so is recorded.

This all sounds so far-fetched, but I would put nothing past this man as he has tried very hard to ruin my life for the past 5 years. On Monday 5th June 2023, the day after sending you my first reply, while leaving my front door to go for a jog, I saw David's taxi parked opposite my house (I live in Hatton, and he lives roughly 22 miles away) taking a photograph of the plate of my rental taxi. He also took a photo of me whilst picking up a customer recently. Why would he be doing this, if not to do more harassment against me? If his Aberdeen Rail system was active at the time, it will show him being at the location at approximately 12.15 pm. As we work at the same taxi rank, David has the opportunity to take photos of my plate, or the inside of my vehicle on a regular basis. Going out of his way to do so, at my home address, obviously shows devious intent.

With reference to your statement "Secondly we have a photo of the taxi meter at the end of the journey- the second digit is not very clear but the 3 (first digit) and zero (third digit) can be seen- the meter certainly does not show £10."

I agree, the meter certainly would not show £10 for this journey. I metered it today and the fare is £5.10. So the fare would not be £3.60 as originally stated, and '3' would not be the first digit as you have said here. I think it is important that the facts are correct in any complaint. Is the photo actually of the journey it claims to be of?

I would also add that I think it is a terrible thing if someone can misuse Council Complaint Processes and resources to take vindictive action against people they don't like.

MAME MBAYE

COMPLAINT 2

Good afternoon ,

We were made aware of an incident within Aberdeen train station on the evening of Wednesday 6 November where one of our permit holders, Mr (redacted) urinated in the station environment. Subsequently Mr (redacted), Mr (redacted) and Mr Mbaye all participated in a heated and potentially racially aggressive manner in front of other customers and taxi permit holders.

All 3 permit holders were interviewed yesterday and ScotRail has made the decision to revoke their permits to ply for hire in the station on the grounds that they have breached condition 6 and 11.6 of our Ply for Hire Agreement.

The incident has also been independently reported to the BTP by another permit holder. This behaviour has no place in our station and will put ScotRail and Aberdeen into disrepute. I have attached copies of the letters issued to the permit holders today and would like this matter raised at your next licencing meeting as there may be a requirement for you to introduce some training for your taxi drivers on diversity and inclusive language.

LICENSING COMMITTEE INFORMATION SHEET 21 FEBRUARY 2024

LICENCE HOLDER: Adefemi (Tony) Adu
TAXI DRIVER'S LICENCE: 1073

COMPLAINT 1

On the 30 May 2023, a complaint was received in relation to taxi driver Adefemi Adu knowingly refusing a fare from three ladies with suitcases. He was requested to take part of the fare but refused on the grounds that his vehicle is "too new." Correspondence with Mr Adu confirms, he recalled the passengers having 12 suitcases but on inspection of the CCTV footage, they had 5.

Mr Adu drives a large WAV and so these would have comfortably fit in his vehicle, meaning the customers only had one fare to pay and not the two they ultimately had to pay.

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 Adu 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

Taxi Driver Licence Condition 14. Subject to conditions 15 and 16 below, the driver of a taxi shall not refuse to drive a passenger to any place within the licensed area (Condition 15 relates to shared hires, Condition 16 relates to inebriated passengers)

Taxi Driver Licence Condition 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

Taxi Driver Licence Condition 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

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

Possible breach of three taxi driver licence conditions each of which would constitute a criminal offence.

Is the licence holder a fit and proper person to hold a licence.

GROUNDINGS FOR SUSPENSION/REVOICATION

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

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

- (a) the holder of the licence or, where the holder is not a natural person, any director of it or partner in it or any other person responsible for its management, is not or is no longer a fit and proper person to hold the licence;
- (b) the activity to which the licence relates is being managed by or carried on for the benefit of a person, other than the licence holder, who would have been refused the grant or renewal of the licence under paragraph 5(3) above;
- (c) the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety;
- (d) a condition of the licence has been contravened.

COMPLAINT 1

I witnessed a taxi driver refusing a hire on Saturday 20th May 2023 at approximately 7.30 pm at the railway station rank.

The driver of taxi registration number T10ADU refused 3 ladies with cases stating his vehicle was too new to take them.

The 3 ladies were very upset and eventually managed to have the driver of a smaller vehicle take them. They asked who they should complain to and they were given the relevant details.

Regards

Further to my complaint re driver of vehicle reg no T10 ADU refusing a hire. He was working on Saturday the 27th May 2023 and at 17.10 he took a party of 5 with 6 cases. The reason he is cherry picking his hires? The 2 ladies he refused on 20th May 2023 were only going a short distance. The recent example of him taking the party of 5? They were going (what he considered to be) a reasonable distance and he could charge fare + 50%. It doesn't seem fair that he can use spurious reasons to decide which passengers he takes/doesn't take to maximise his earnings. Surely, taxi drivers should take whatever hire presents itself, regardless of distance?

COMPLAINT 1 CCTV Images

1ST Case + Mr Adu Pulling Up



2ND Case + Mr Adu exiting vehicle



3RD Case



Mr Adu (dark top) Remonstrating with other driver



4TH Case



5TH Case



Mr Adu leaving Station



Second taxi required



COMPLAINT 2

Good afternoon

We were made aware of an incident within Aberdeen train station on the evening of Wednesday 6 November where one of our permit holders, Mr Tony Adu urinated in the station environment. Subsequently Mr Adu, Mr (redacted) and Mr (redacted) all participated in a heated and potentially racially aggressive manner in front of other customers and taxi permit holders.

All 3 permit holders were interviewed yesterday and ScotRail has made the decision to revoke their permits to ply for hire in the station on the grounds that they have breached condition 6 and 11.6 of our Ply for Hire Agreement.

The incident has also been independently reported to the BTP by another permit holder. This behaviour has no place in our station and will put ScotRail and Aberdeen into disrepute. I have attached copies of the letters issued to the permit holders today and would like this matter raised at your next licencing meeting as there may be a requirement for you to introduce some training for your taxi drivers on diversity and inclusive language.

23/11/23

Dear Mr Adu,

Thank you for attending our meeting on Wednesday 22 November 2023 in Aberdeen Station.

Having considered the complaint and your actions in association with this complaint I am writing to advise you that ScotRail has made the decision to revoke your permit to ply for hire within the taxi rank in the station under clause 14 of the agreement.

Termination of Permit

- 14 Without prejudice to any other provision of this Agreement, the Company may revoke the Permit if, acting reasonably, they believe the Operator or their Driver has breached the terms of this Agreement. The Operator may, within 7 days of the decision to revoke the Permit, lodge a request to recall the revocation, specifying grounds on which they believe the revocation should be recalled, along with any supporting documentation. This request should be made following the provisions in Clause 29. The revocation may be recalled at the sole discretion of the Company.

We have reasonable grounds to believe that you urinated in the station and then engaged in aggressive and racially aggravated behaviour with fellow taxi permit holders and have therefore breached Condition 6 and 11 of the Ply for Hire Agreement.

6. "The Operator and Drivers must always act in a manner that portrays professionalism and must not engage in any act that the Company feels to be unacceptable to the public, staff, or tenants whilst on the Company's property"

11.6 "At all times whilst at the Station and during any journey undertaken pursuant to a Permit, the Driver, shall not use any insulting or abusive or offensive language, or be guilty of any indecent or improper conduct".

Accordingly, your permit has been withdrawn. You must cease plying for trade in the station with immediate effect. Please return your permit to the station manager's office marked for the attention of ScotRail Permits.

Under clause 29 of the agreement, you have the right to appeal this decision. Your appeal must be made in writing to (name redacted), Customer Information Strategy Manager (email redacted) marked for the attention of Permits.

Yours sincerely,

(redacted),

Customer Information Strategy Manager

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LICENSING COMMITTEE INFORMATION SHEET

21 FEBRUARY 2024

LICENCE HOLDER: Nikolay Malinov

TAXI DRIVER'S LICENCE: 1482

DESCRIPTION

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

This complaint states that on 06/11/2023 Mr Malinov 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

Taxi Driver Licence Condition 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

Taxi Driver Licence Condition 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

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

Possible breach of two taxi driver licence conditions, each of which constitutes a criminal offence.

Is the licence holder a fit and proper person to hold a licence.

GROUNDS FOR SUSPENSION/REVOCAION

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.

COMPLAINT

Good afternoon ,

We were made aware of an incident within Aberdeen train station on the evening of Wednesday 6 November where one of our permit holders, (name redacted) urinated in the station environment. Subsequently (name redacted) all participated in a heated and potentially racially aggressive manner in front of other customers and taxi permit holders.

All 3 permit holders were interviewed yesterday and ScotRail has made the decision to revoke their permits to ply for hire in the station on the grounds that they have breached condition 6 and 11.6 of our Ply for Hire Agreement.

The incident has also been independently reported to the BTP by another permit holder. This behaviour has no place in our station and will put ScotRail and Aberdeen into disrepute. I have attached copies of the letters issued to the permit holders today and would like this matter raised at your next licencing meeting as there may be a requirement for you to introduce some training for your taxi drivers on diversity and inclusive language.

DRIVER RESPONSE

Yes I did report that to Scotrail and inform British transport police myself. I never start any arguments the other two drivers start all this, because I take picture off one off them using under the bridge as a toilet.Ok Il be ready to go on front off thee licencing authority.

This page is intentionally left blank

LICENSING COMMITTEE INFORMATION SHEET

21 FEBRUARY 2024

LICENCE HOLDER: William McKenzie
TAXI DRIVER'S LICENCE: 1276 and T253

COMPLAINT 1

On the 7 March 2023, a complaint was received in relation to taxi driver William McKenzie who is alleged to have shouted and sworn at two passengers getting into his vehicle at Aberdeen Rail Station on 7 March 2023. He is alleged to have shouted at them regarding climbing over seats which they were not doing, one passenger was holding the door open for the other who was his pregnant wife.

From the photograph provided, Mr McKenzie can also be seen wearing jeans and not wearing his ID Badge as required by the Taxi Driver Licence conditions 32 and 1.

Mr McKenzie recalls the passenger was swearing at him and was just asked not to climb over the centre console and seats.

Mr McKenzie confirmed he was wearing chinos, not jeans and had his ID Badge pinned to his jumper. He has confirmed he will not wear these trousers if they breach the policy and will wear his badge around his neck going forward.

COMPLAINT 2

A further complaint was received on 4 September 2023 regarding Mr McKenzie parking outside the Bristows heliport with his passenger door and boot open. He is shown in the photographic evidence provided to be positioned directly outside the heliport main entrance doors.

Mr McKenzie's response was provided on his behalf – he explained he gave a business card to a passenger who phoned and requested he pick him up when he returned from offshore. There is no evidence of any pre-booked fare, therefore he appears to have collected a fare in an area where he is not licensed.

The location is also within 50m of a taxi rank, which is prohibited by taxi driver licence condition 17.

COMPLAINT 3

A further complaint was received on 3 November 2023 with photographic and video evidence showing Mr McKenzie's vehicle at the Bistows heliport, within 50m of the taxi rank (on double yellow lines) collecting a hire.

The taxi driver licensing conditions prevent the collection of a fare from within 50m of a rank in any circumstances.

COMPLAINT 4

A further complaint was received on 18 November 2023 regarding an incident at Aberdeen Boulevard Retail Park in which the complainant explains Mr McKenzie reversed out of a disabled parking bay and into her stationary vehicle as she was in a queue of traffic to park.

They swapped details but the complainant was told by Mr McKenzie he couldn't recall his insurance details. The phone number he shared was found to not be in service.

LEGISLATION/CONSULTEE

Civic Government (Scotland) Act 1982, Section 21 subsection 1-

If any person operates, or permits the operation of, a taxi within an area in respect of which its operation requires to be but is not licensed or the driver requires to be but is not licensed, that person shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

Taxi Driver Licence Condition 1- The badge of identification and identity card issued by the licensing authority shall each include a recent photograph showing a true likeness of the driver and he shall display his badge of identification at all times while so acting conspicuously on the outer front, upper portion of his outermost garment with the inscribed side of the badge clearly visible

Taxi Driver Licence Condition 17- The driver of a taxi, while he is in charge of the taxi shall not park, or stop his taxi, nor canvass or importune for employment within 50 metres of any designated taxi stance

Taxi Driver Licence Condition 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.

Taxi Driver Licence Condition 32- All taxi and private hire drivers must comply with the following smart, not casual, dress code at all times when working: Prohibited attire (Examples) jeans, t-shirts, tracksuit trousers or tops, trainers, football shirts

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

Possible breach of Taxi Driver Licence Conditions 1, 17, 22 and 32 each of which would constitute a criminal offence.

Is the licence holder a fit and proper person to hold a licence.

GROUND FOR SUSPENSION/REVOCATION

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.

COMPLAINT 1

Good Day,

I have just arrived into Aberdeen off a train from Inverurie.

The weather is poor and the fact my wife is 7 months pregnant then we went to the taxi rank to travel up to Ante Natal clinic.

Several cars in position and a driver signalled to us to use his taxi.

I held open the rear offside passenger door for my wife and the driver kept saying leave it come to other side. I twice pointed out I was holding the door and would walk round to let myself in.

I duly let her in then walked round rear of cab and cane into seat behind him.

As I got into the taxi the driver raised his voice about climbing over seats?!?!?!? At no point were seats climbed over and CCTV and several other drivers can point this out .

I politely reminded him I was holding door open as my wife was pregnant, he said. 'I dinna gie a fuck, if she's pregnant no climbing on seats' .

I reminded him we did not climb in seats I was holding the door for her. I then tried to politely point out I also have a Mercedes and certainly don't climb over seats to which I got 'I dinna gie a fuck I'm nae havin climbing on seats'

I asked him to stop the car and we got out I pointed out to him we never climbed on any fucking seats and I don't care for his fucking attitude.

I make no apologies for swearing at all.

Fortunately another driver that was there let us into their car and we made a journey up to the hospital. No issues, simple conversation and a pleasant journey in poor road conditions.

As for (name redacted), his very average Mercedes and his disgraceful Appearance?

I will let you judge from this picture the mentality of the man.

I think that it says a lot about the city that they allow someone with that appearance to operate a taxi at one of the many gateways to the city for outsiders.

Had I initially been abusive or rude or had climbed on seats then fair enough but that was totally unacceptable. I will pay attention to other city centre users of taxis and listen to hear of others have had similar experience with that man.

COMPLAINT 1 Photo



DRIVER RESPONSE

Dear

Regards the complaint you received from passengers on 7/3/23 , I totally disagree with their version of the incident, as in my recollection it was in fact the passenger who stated cursing and swearing as they entered my cab, I did request that they use both doors and not clamber over the centre console and seats as this can cause damage to the leather upholstery.

The man wasn't very happy and went round to the rear driver side but continued to curse and swear,

Obviously he was not happy with the situation and I proceeded to drive away he then shouted that I should to let off, he said he would get another taxi. I did this and they vacated my cab and went back down the taxi rank still cursing and swearing and when

in to the taxi behind me in the rank.

Your reference to my wearing jeans, the trousers I was wearing were Chinos, these I would class as trousers, but if this is not suitable attire then I will refrain from wearing them again.

My ID badge was pinned to my jumper and it is possible that it was hidden under my jacket, going forward I will make sure round my neck so it is always visible.

COMPLAINT 2

Good morning

I was wondering if you could have a gentle word with these 2 cars please who were picking up from the airport rank outside bristows on Thursday afternoon at 1350 (31.08.23).

If you zoom in you can see the first car has picked up a passenger off the rank and he does this on a daily bases from both heliports on the green zone. Even if they hadn't picked up or had a booking they both should not be sitting on an airport rank and you can clearly see they both are in the photos.

The first car is well known amongst others by all airport cars for sitting directly outside bristows front door with his boot open when there is passengers coming out and is becoming a bit of a nuisance! Even with a booking no cars should be sitting directly outside bristows front door, not even airport cars. Airport cars should be sitting on the rank and booked cars should be in the designated pick up zone for the limited time they are allowed.

The registrations of the 2 cars are W99 MCK and BT69 FPF.



COMPLAINT 2 DRIVER RESPONSE

Good afternoon

Mr McKenzie has asked me to reply to your email dated 4th September 2023 as he is not computer literate.

Please find below his response.

Approximately three weeks ago he picked up a passenger who on entering his vehicle said 'he was going to Bristow's Heliport' On the way his passenger decided he needed cigarettes so he dropped him off at the Airport Petrol Station and the passenger said 'he would walk from there'. Before he left Mr McKenzie's vehicle he asked for a business card and said he would phone him on his return as it was his first trip and was not sure what happens on his return.

On the day in question the gentleman phoned him at approx 13.40 and said that was him back from offshore and could he pick him up. The gentleman told Mr McKenzie where he was standing and he told him to come away from the taxi rank and that he would pick him up across the road.

When Mr McKenzie arrived the gentleman was still standing at the taxi rank as there was several taxis waiting across the road. Mr McKenzie proceeded to flash his lights and wave his hand to beckon him to come over to the taxi, as a result of being no spaces on the opposite side of the road he had no option but to pull over and pick his fare up.

Mr McKenzie has several customers coming into the heliport as he hands out his business cards like all other driver do.

COMPLAINT 3

Thank you

Sorry I've only just realised I've emailed you from an old email address (maiden name).

This one has also been back up to his old tricks again if you can have another word with him please..? He's obviously not listening to any warnings.

Kind regards



Link to Video

<\\aberdeencitycouncil0365.sharepoint.com@SSL\DavWWWRoot/sites\OT-LegalLicensing\Shared Documents\General\Licensing\Civic\Committee-2024\21.02.2024\Public Apps\Complaint x4 1276 & T253 W McKenzie\Video.mov>

COMPLAINT 4

Hello,

Today, 18/11/2023 at 1440, at the Aberdeen Boulevard Retail Park, a taxi driver reversed out of a disabled parking bay at the store front (beside Smyths Toys) in to the side of my stationary vehicle.

I was in the traffic queue waiting to depart the carpark, traffic had backed up pending light change towards exit.

When I swapped details, the driver (reluctantly) shared his name, address and contact number but couldn't recall who his insurer was. He was also quite keen to dismiss the incident, stating it was a minor bump and "would polish out" and "could've been a lot worse". I've since tried calling to exchange insurance details and the number he shared is not in service. I assume this was an error on his part and not a deliberate attempt to mislead.

The details I noted down and some that he provided were:

William McKenzie

(address redacted)

07742906099 (not in service)- invalid number not redacted

He was an older male, who walked with a crutch but had two crutches in his vehicle but only removed one with him when he exited to talk with me, and mentioned he had dropped off passengers who requested to be dropped at the store front and that's why he was parked in the disabled bay and trying to exit.

The vehicle was a Mercedes Benz S-Class, Black, Reg W99 MCK and the "with thanks" slip he provided for me to write my details on had "Aberdeen Rail Taxis" but no contact details noted, which I have since discovered don't have a head office to contact.

He has all my details and since he reversed in to me I would hope that he might contact me, but from his dismissive attitude and reluctance to share information, I am not feeling optimistic.

How best am I to contact this driver? Is there any way you can request the driver to make contact? I am not sure trying to visit his property is the best approach (likely a fake address too to match the fake contact number).

I will contact the police tomorrow if he has not been in touch this evening, and contact the carpark management for cctv footage also.

LICENSING COMMITTEE INFORMATION SHEET

21 FEBRUARY 2024

TYPE OF APPLICATION: Application for an exemption from the *Wheelchair Accessible Vehicle Policy*

APPLICANT: Steven Wilson (T788)

INFORMATION NOTE

Originally deferred from 03/05/2023 committee

Mr Wilson is seeking an exemption to the Committee Policy that states that any new grant application for a taxi must be for a Wheelchair Accessible Vehicle (WAV) and that only a WAV can ever be licensed on such a licence.

The Committee has before it an email from Mr Wilson indicating the grounds under which he is seeking the exemption, namely financial considerations and vehicle availability. Members may note that currently there is a 1-2 month wait for a new WAV, which costs only slightly more than a new saloon.

Mr Wilson is currently a licence holder of a Taxi Vehicle Operator Licence (T788).

The request was deferred from the Committee meeting on 3 May 2023 to await further information and/or advice from the Chief Officer – Strategic Place Planning, in relation to ongoing discussions around Low Emission Zone enforcement and exemption pertaining to taxi and private hire vehicles which may fall below the emission standards.

Should the Committee be minded granting the exemption Mr Wilson is aware that he will be required to submit a substitution application for Taxi Licence T788.

COMMITTEE GUIDELINES/POLICY

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

REQUEST

After some consideration I would like to ask to be considered for exemption from the WAV policy.

As I have been a taxi driver now for many years and have followed the WAV policy, and currently own a VW Sharan 2008 model unfortunately my circumstances have changed in the last few years, this is down to Covid causing financial stress and lack of business in the taxi trade during these times now I appreciate these times are now behind us (hopefully) but now the current financial crisis with cost of living, interest rates, etc is having a major impact on us individual drivers. As I have mentioned previously I currently have been a taxi driver for some years with only ever having a WAV and only ever doing three hires from the ranks and two of them not supposed to be my hires but other drivers refused to take them for some reason. My vehicle now has become of an age that will not meet the LEZ next year when it comes into force. Now I appreciate this vehicle can still operate as a taxi but if it breaches the LEZ area a penalty charge will be occurred and as far as I can see from the Aberdeen City-council website the cost will be £60, now with this cost in mind this wouldn't be possible to operate as a driver due to cost versus available work as if I don't operate in the city centre then working outwith the LEZ wouldn't be financially viable.

This only leaving myself with one option in purchasing a new / second hand WAV now these range from approximately £18000 upwards and with suppliers aware of this and interest rates rising these are only going to get more expensive and unfortunately I can't afford to purchase a vehicle at this price as the current living costs etc is having a major impact on my myself and family putting me into financial hardship.

Now to purchase a new / second hand car this is a lot cheaper ranging from £12000 upwards and after working out monthly costs etc this option would be affordable and be complying with the LEZ policy.

Also to take into consideration what will happen with electric vehicles coming in the future of the industry.

Also since becoming a taxi driver I have been told all vehicles will be a WAV by a certain date but this keeps getting changed and pushed back further, while all the time I've been compliant to the rules.

I also considered trying to put my plate in to retention while I try and source the funds to purchase a WAV but I'm understanding that this is possible but only for 28 days even tho the yearly fee was paid in full.

I understand there are many drivers in this position but I have now exerted all avenues and I would be grateful if I could be considered to be exempt from the WAV policy so I may be in a position to purchase a vehicle to continue to operate a friendly and successful service to the public and keep myself from financial hardship.

Otherwise I may be forced to leave the industry and seek other options once the LEZ comes into force.

I would once again like to thank you for your time and consideration in this matter and look forward in hearing back from you

LICENSING COMMITTEE INFORMATION SHEET

21 FEBRUARY 2024

TYPE OF APPLICATION: Exemption from policy – Street Knowledge

APPLICANT : Neil Murison

INFORMATION NOTE

Mr Murison has held a Taxi Driver Licence from 1/10/2020 until 31/05/2023. There is no evidence to suggest that a renewal application was received from Mr Murison. Mr Murison 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. Mr Murison is seeking exemption from this policy. The exemption request is detailed in the email from Mr Murison, dated 5/12/2023.

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.

REQUEST

I am in the process of renewing my taxi licence which expired and you have requested that I complete the street knowledge again, I am writing to seek dispensation not to complete the street knowledge due to extenuating circumstances, I have been an Aberdeen taxi driver since 2000 and have never had an issue with the renewal of my licence, however this year I missed the renewal because my mother passed away in March due to a serious fall and I completely forgot about having to renew due to me being upset and in shock for a considerable time afterwards, in normal circumstances I would not have forgotten about the renewal and apologise for extra administration that this causes, taking the above on board coupled with my 23 years of experience of Aberdeen's streets I ask that the requirement for me to retake the street knowledge be waived, regards Neil Murison.

LICENSING COMMITTEE INFORMATION SHEET

21 February 2024

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 and again from 12 December 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

GROUND FOR SUSPENSION/REVOICATION

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.

COMPLAINT

From: Alasdair Taylor <alasdair.taylor@burnett-reid.co.uk>
Sent: Wednesday, August 2, 2023 2:22 PM
To: CivicCompliance <CivicCompliance@aberdeencity.gov.uk>
Cc: Subject

Dear Sirs,

Complaint against Taxi Driver, William Cameron

We refer to our recent email exchange with Mr McKane. We confirm that we are instructed by Mrs [REDACTED] to submit a formal complaint regarding taxi driver, William Cameron, which our client would wish to have considered by the relevant Licensing Committee.

By way of background, we would advise that our client is 71 years old. In 2021, Mrs [REDACTED] spent much of the year caring for her husband, [REDACTED], up until his death in August. The two of them lived together in [REDACTED]. While Mrs [REDACTED] was not housebound, due to the need to care for her husband, she rarely left the house. Over this period, she and her husband were befriended by William Cameron, a taxi driver, who would regularly run errands for them, which included going to the ATM to withdraw money for her.

Mr Cameron was facing financial difficulties during this period and the [REDACTED] agreed to lend money to him to help him out. Clearly, that was simply a matter between the [REDACTED] and Mr Cameron and is, of itself, of no great import. After Mr [REDACTED] death, however, it became apparent that, when taking out money for Mrs [REDACTED], Mr Cameron had also been withdrawing cash for his own use. After being challenged on this, Mr Cameron admitted what he had done and agreed to repay the money but only did so to a limited extent.

Although Mrs [REDACTED], with the assistance of her Attorney and sister-in-law, [REDACTED], did report the matter to the Police, her preference was to try to reach an agreement with Mr Cameron whereby the money would be repaid with no further consequences. We were instructed to write to Mr Cameron to propose that a formal agreement be entered into, setting out a repayment schedule for an agreed amount. After some discussion, the parties entered into a Minute of Agreement on 8 June 2022 whereby Mr Cameron was going to repay the sum of £8000 at the rate of £100 per week. It will come as no surprise to be informed that he failed to keep up the payments. Having registered the Minute of Agreement we then arranged for Sheriff Officers to serve a Charge for Payment on him seeking payment of the balance due of £7400 together with certain costs. Unfortunately, that has also failed to provoke a response.

Our client has sought to resolve matters with Mr Cameron on a commercial basis that would not have impacted on his profession. Insofar as he has failed to take advantage of the opportunity given to him,

and due to our client's concerns that she may not be the only individual of whom he has taken advantage, she considers it appropriate that Mr Cameron's actions be brought to the attention of the Licensing Authority for consideration when assessing whether or not he is a fit and proper person to hold a taxi licence. We confirm that the matter has been brought once again to the attention of the Police but, perhaps surprisingly, they have declined to take further action. We presume, however, that the Police can, if required, confirm to the Licensing Authority that there have been both recent and previous discussions between either Mrs or Mrs and the Police about this matter, in the event that the Licensing Committee considers that to be a relevant consideration.

If there are any points that require clarification, then please contact the writer. As she is a vulnerable adult, we are reluctant at this stage to disclose Mrs current address. if required however, we will provide that information. Her Attorney, Mrs Alison Mutch, is however happy to be contacted if required. You will note that she is copied in on this email. She resides at .

Kind regards,

Yours sincerely

Alasdair I Taylor

Senior Associate

DRIVER RESPONSE

I did not take any money without permission

Sent from my iPhone

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