

Public Document Pack



To: Councillor Al-Samarai, Convener; Councillor Delaney, Vice-Convener; and Councillors Clark, Graham, Henrickson, Lawrence, MacGregor, McLeod and van Sweeden.

Town House,
ABERDEEN 26 November 2024

LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in **Committee Room 2 - Town House** on **WEDNESDAY, 4 DECEMBER 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>

ALAN THOMSON
INTERIM CHIEF OFFICER – GOVERNANCE

B U S I N E S S

NOTIFICATION OF URGENT BUSINESS

1.1. Urgent Business

DETERMINATION OF EXEMPT BUSINESS

2.1. Exempt Business

DECLARATIONS OF INTEREST AND TRANSPARENCY STATEMENTS

3.1. Declarations of Interest and Transparency Statements

DEPUTATIONS

4.1. Deputations

MINUTES AND COMMITTEE BUSINESS PLANNER

- 5.1. Minute of Previous Meeting of 9 October 2024 (Pages 5 - 10)
- 5.2. Minute of Special Meeting of 11 November 2024 (Pages 11 - 12)
- 5.3. Minute of Meeting of the Taxi and Private Hire Car Consultation Group of 6 November 2024 (Pages 13 - 16)
- 5.4. Committee Business Planner (Pages 17 - 20)

NOTICES OF MOTION

- 6.1. Notices of Motion

REFERRALS FROM COUNCIL, COMMITTEES AND SUB COMMITTEES

- 7.1. Referrals from Council, Committees or Sub Committees

COMMITTEE REPORTS

- 8.1. Annual Licensing Committee Effectiveness Report - CORS/24/309 (Pages 21 - 34)
- 8.2. Taxi Fleet Composition - CORS/24/358 (Pages 35 - 44)
- 8.3. Taxi Fare Review - CORS/24/359 (Pages 45 - 60)

APPLICATIONS FOR LICENCES

- 9.1. House of Multiple Occupation (Renewal) - Cooper's Court, Dunbar Street (Pages 61 - 102)
- 9.2. House of Multiple Occupation (Renewal) - Lower Flat, Spring Cottage, 1 and a Half South Crown Street (Pages 103 - 116)
- 9.3. Short Term Let (Existing Operator) - 24E Esslemont Avenue (Late Objection)
- 9.4. Short Term Let (Existing Operator) - 24G Esslemont Avenue (Late Objection)

- 9.5. Second Hand Vehicle Dealer (Grant) - Geary Motors Ltd - 6 Stell Road
(Pages 117 - 120)
- 9.6. Skin Piercing & Tattoo Licence (Renewal) - Hanna Kasztelan - Yarson
Tattoo Studio, Units 9-10 Langstane Place (Pages 121 - 124)
- 9.7. Request for Exemption from Policy - Street Knowledge Test - Michael Lionel
McGarthland (Pages 125 - 126)
- 9.8. Request for Exemption from Policy - Age of Vehicle - Varinder Kumar Sood
(Pages 127 - 128)

EXEMPT BUSINESS - TO BE HEARD IN PRIVATE UNDER PARAGRAPH 14 OF THE ACT

- 10.1. Landlord Registration - New (Pages 129 - 132)
- 10.2. Landlord Registration - New (Pages 133 - 136)
- 10.3. Taxi Driver Licence - Renewal (Pages 137 - 140)
- 10.4. Second Hand Dealers Licence - Grant (Pages 141 - 146)

CONFIDENTIAL INFORMATION - TO BE HEARD IN PRIVATE

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

- 11.1. Taxi Driver Licence - Renewal (Pages 147 - 150)
- 11.2. Taxi Driver Licence - Renewal (Pages 151 - 154)
- 11.3. Request for Exemption from Policy - Wheelchair Accessible Vehicle (Pages 155 - 158)
- 11.4. Request for Exemption from Policy - Wheelchair Accessible Vehicle (Pages 159 - 162)
- 11.5. Request for Exemption from Policy - Wheelchair Accessible Vehicle (Pages 163 - 166)
- 11.6. Request for Exemption from Policy - Wheelchair Accessible Vehicle (Pages 167 - 174)

- 11.7. Request for Exemption from Policy - Wheelchair Accessible Vehicle (Pages 175 - 178)
- 11.8. Request for Exemption from Policy - Wheelchair Accessible Vehicle (Pages 179 - 180)
- 11.9. Request for Exemption from Policy - Wheelchair Accessible Vehicle (Pages 181 - 182)
- 11.10 Request for Exemption from Policy - Wheelchair Accessible Vehicle (Pages 183 - 184)
- 11.11 Request for Exemption from Policy - Wheelchair Accessible Vehicle (Pages 185 - 188)

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

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

Website Address: aberdeencity.gov.uk

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

LICENSING COMMITTEE

ABERDEEN, 9 October 2024. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Al-Samarai, Convener; Councillor Delaney, Vice-Convener; and Councillors Clark, Copland (as substitute for Councillor MacGregor), Graham, Henrickson, Lawrence and van Sweeden.

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

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

DECLARATIONS OF INTEREST AND TRANSPARENCY STATEMENTS

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

MINUTE OF PREVIOUS MEETING OF 27 AUGUST 2024

2. The Committee had before it the minute of its previous meeting of 27 August 2024, for approval.

The Committee resolved:-
to approve the minute.

MINUTE OF MEETING OF THE TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP OF 4 SEPTEMBER 2024, FOR APPROVAL

3. The Committee had before it the minute of meeting of the Taxi and Private Hire Car Consultation Group of 4 September 2024, for approval.

The Committee resolved:-
to approve the minute.

COMMITTEE BUSINESS PLANNER

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

The Committee resolved:-

- (i) to note the reason for deferral in relation to item 4 (Residential Caravan Licensing);
and
- (ii) to otherwise note the Business Planner.

LICENSING COMMITTEE

9 October 2024

MEMBERSHIP AND REMIT OF THE TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP - CORS/24/297

5. The Committee had before it a report by the Director of Corporate Services which sought consideration of possible changes to the membership and remit of the Taxi and Private Hire Car Consultation Group (T&PHC Consultation Group).

The report recommended:-

that the Committee-

- (a) approve the Taxi and Private Hire Car Consultation Group membership in accordance with the proposed composition at 3.14 of the report;
- (b) reduce the number of meetings to three per annum, commencing 2025, noting that there is scope to arrange Special meetings for specific and/or urgent items as indicated in section 3.8 of the report;
- (c) approve the updated remit of the Taxi and Private Hire Car Consultation Group, including the process for removing non attendees outlined in 3.11 of the report;
- (d) delete the 'Independent Driver' vacancy on the Consultation Group, noting that the position had been vacant for a number of years; and
- (e) take no action in relation to increasing the Taxi Trade representation on the Taxi and Private Hire Car Consultation Group.

The Committee resolved:-

to approve the recommendations.

HOUSE OF MULTIPLE OCCUPATION (RENEWAL) - COOPERS COURT, DUNBAR STREET

6. The Committee were advised that this item had been deferred at the request of the objector.

SHORT TERM LET (EXISTING OPERATOR) - 24E ESLEMONT AVENUE

7. The Committee were advised that this item had been deferred at the request of the applicant.

SHORT TERM LET (EXISTING OPERATOR) - 24G ESLEMONT AVENUE

8. The Committee were advised that this item had been deferred at the request of the applicant.

LICENSING COMMITTEE

9 October 2024

SHORT TERM LET (NEW OPERATOR) - 60 AFFLECK 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 four letters of objection, appended to the report were submitted to the Private Sector Housing Team.

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

The applicant Mr Milton Zata and Property Manager Ms Lisa Schoneville were in attendance, spoke in support of the application and responded to questions from members.

Ms Diane Carey, Ms Louisa Scott and Ms Jenni Colvin were in attendance, spoke in support of their letters of objection and responded to questions from members.

All parties were given the opportunity to sum up.

The Committee resolved:-

to refuse the licence on the grounds:-

- (1) that the applicant was not a fit and proper person to be the holder of the licence; and
- (2) that the premises was not suitable or convenient for the conduct of the activity having regard to the location, character or condition of the premises.

STREET TRADER LICENCE (GRANT) - EMMA WILLIAMSON - GOLF ROAD EAST SIDE, 114M SOUTH FROM PITTODRIE STREET CAR PARK

10. The Committee had before it (1) an information note prepared by the interim Chief Officer – Governance, which advised that the application required to be determined by 15 April 2025; and (2) a letter of objection received from the Council's Estates Team.

The licence holder Ms Emma Williamson was in attendance, spoke in support of her application and responded to questions from members.

Ms Deborah Wyllie, Lead Officer Estates, Aberdeen City Council was in attendance, spoke in support of the letter of objection and responded to questions from members.

The Committee resolved:-

- (i) to defer consideration of the application to allow discussion between officers from the Estates Team and the applicant to explore the suitability of the site or an alternative location in the area for the licence; and
- (ii) to waive the fee for any subsequent application for an alternative site.

LICENSING COMMITTEE

9 October 2024

PUBLIC ENTERTAINMENT LICENCE - KINCORTH COMMUNITY CENTRE

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

CONFIDENTIAL INFORMATION

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

LANDLORD REGISTRATION (RENEWAL) - AGENDA ITEM 10.1

12. The Committee had before it (1) a report by the Private Sector Housing Manager; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 14 August 2024.

The applicant spoke in support of his application and responded to questions from members.

PC James Stewart was in attendance and spoke in support of Police Scotland's letter of representation.

Both parties were given the opportunity to sum up.

The Committee resolved:-

to grant the registration.

LANDLORD REGISTRATION (NEW) - AGENDA ITEM 10.2

13. The Committee had before it (1) a report by the Private Sector Housing Manager; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 17 July 2024.

The applicant was not in attendance, nor represented.

The Committee resolved:-

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

LICENSING COMMITTEE

9 October 2024

LANDLORD REGISTRATION (NEW) - AGENDA ITEM 10.3

14. The Committee were advised that this item had been deferred at the request of the applicant.

TAXI DRIVER LICENCE - GRANT - AGENDA ITEM 10.4

15. The Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance which advised that the application required to be considered by 19 June 2025; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 24 September 2024.

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

PC James Stewart was in attendance and spoke in support of Police Scotland's letter of representation.

Both parties were given the opportunity to sum up.

The Committee resolved:-
to grant the licence.

TAXI DRIVER LICENCE - RENEWAL - AGENDA ITEM 10.5

16. The Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance which advised that the application required to be considered by 18 May 2025; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 21 August 2024.

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

PC James Stewart was in attendance and spoke in support of Police Scotland's letter of objection.

Both parties were given the opportunity to sum up.

The Committee resolved:-
to grant the licence.

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

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LICENSING COMMITTEE

ABERDEEN, 11 November 2024. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Al-Samarai, Convener; Councillor Delaney, Vice-Convener; and Councillors Clark, Graham, Henrickson, Lawrence, MacGregor, McLeod and van Sweeden.

The agenda and reports 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 or transparency statements intimated.

WHEELCHAIR ACCESSIBLE VEHICLE EXEMPTIONS ON MEDICAL GROUNDS - CORS/24/311

2. The Committee had before it a report by the Director of Corporate Services which provided clarification in relation to the Licensing Committee's requirements for medical evidence when considering exemptions to the Wheelchair Accessible Vehicle policy on medical grounds.

The report recommended:-

that the Committee approve the requirements outlined in paragraph 3.2 of the report for medical evidence when requests for exemptions to the Wheelchair Accessible Vehicle policy are being made on medical grounds.

The Committee resolved:-

- (i) to approve the recommendation; and
- (ii) to note that the Council's website would be updated in this regard; that pending applicants would be advised accordingly and the taxi trade members of the Taxi and Private Hire Car Consultation Group would be contacted in order to disseminate the information to drivers.

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

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TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP

ABERDEEN, 6 November 2024. Minute of Meeting of the TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP. Present:- Councillor Al-Samarai, Chairperson; and Councillors Clark, Delaney, Henrickson and Lawrence; and Alan Catto (Independent), Chris Douglas (Private Hire Trade), Russell McLeod (Licensed Taxi Offices), Nathan Harbi (as substitute for Luke Hulse (Independent)), Hussein Patwa (Disability Equity Partnership), Peter Campbell (Unite), Colin Dodds (GMB) and Craig Falconer (Airport Drivers).

In attendance:- Sandy Munro, Alexa Last and Dave McKane (Licensing Team); and Mark Masson and Gogo Okafor (Committee Services).

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WELCOME AND APOLOGIES

1. The Chair welcomed everyone to the meeting.

An apology for absence was intimated on behalf of Luke Hulse.

DECLARATIONS OF INTEREST OR TRANSPARENCY STATEMENTS

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

MINUTE OF PREVIOUS MEETING OF 4 SEPTEMBER 2024 - FOR APPROVAL

3. The Consultation Group had before it the minute of its previous meeting of 4 September 2024.

The Consultation Group resolved:-
to approve the minute.

REVISED REMIT AND MEMBERSHIP - AGREED BY LICENSING COMMITTEE ON 9 OCTOBER 2024 - FOR INFORMATION ONLY

4. The Consultation Group had before it a report for information which was presented to the Licensing Committee on 9 October 2024 to consider changes to the membership and remit of the Taxi and Private Hire Car Consultation Group (T&PHC Consultation Group).

The Licensing Committee agreed to:-

- approve the Taxi and Private Hire Car Consultation Group membership in accordance with the proposed composition at 3.14 of the report;

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP
6 November 2024

- reduce the number of meetings to three per annum, commencing 2025, noting that there is scope to arrange Special meetings for specific and/or urgent items as indicated in section 3.8 of the report;
- approve the updated remit of the Taxi and Private Hire Car Consultation Group, including the process for removing non attendees outlined in 3.11 of this report;
- delete the 'Independent Driver' vacancy on the Consultation Group, noting that the position had been vacant for a number of years; and
- take no action in relation to increasing the Taxi Trade representation on the Taxi and Private Hire Car Consultation Group.

The Consultation Group resolved:-

to note the content of the report.

ENFORCEMENT OFFICER REPORT

5. 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 August 2023; and (b) street knowledge test statistics during the period 21 August to 22 October 2024.

Dave McKane provided a summary of the report and indicated that private hire cars had increased to 295.

Sandy Munro provided an update on various licensing matters as follows:-

- officers have been working on the Testing Manual and a first draft had been prepared which should be circulated to the taxi trade members for feedback in the near future;
- a report relating to a Mixed Fleet would be submitted to the Licensing Committee at their next meeting on 4 December 2024; and
- the process on the Fare Review has commenced and initial calculations would be circulated to taxi operators for their input by 20 November, following which a report would be circulated to the next meeting of the Licensing Committee.

During discussion Mr Munro responded to a number of questions and advised that (1) officers were currently looking at the requirements for the over 65 years old medical for drivers and would be liaising with other local authorities in this regard; and (2) some progress had been made in terms of a training programme for drivers, however discussions had stalled recently in relation to identifying an appropriate training provider.

The Consultation Group resolved:-

to note the information provided.

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP
6 November 2024

2025 MEETING DATES

6. The Consultation Group had before it their meeting dates for 2025, all to be held at 10.00am in Committee Room 2, Town House, as follows:-

- 30 April;
- 24 September; and
- 3 December.

The Consultation Group resolved:-

to note the meeting dates for 2025.

- **COUNCILLOR GILL AL-SAMARAI, 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			4 December 2024						
4	Street Trader's Licence Policy	to review existing policy and determine if a review exercise is required		Sandy Munro	Governance	Corporate Services	16.3	D	the report is delayed due to a transitional period for consultation exercise providers
5	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	Corporate Services	GD 8.5		
6	Taxi Fleet Composition	The Licensing Committee on 15/3/23 agreed that a report on the options for a mixed taxi fleet be brought to Committee at its meeting on 6 September 2023	The Committee on 24/4/24 noted that officers were awaiting feedback from the taxi trade, and likely a report would be submitted by the end of year but may bring earlier once we hear from the trade.	Sandy Munro	Governance	Corporate Services	16.3		
7	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.	The Committee on 26/8/24 noted that the report was delayed to December to provide survey provider sufficient time to gather meaningful data.	Sandy Munro	Governance	Corporate Services	16.3	D	delayed to February at the request of the surveyor

	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 Fare Review	To ask Committee to agree a fare tariff.		Sandy Munro	Governance	City Regeneration and Environment	16.3		
8									
9			26 February 2025						
10	Sexual Entertainment Venue Licensing Policy	Potential Review of Policy	likely to be first meeting of 2025	Sandy Munro	Governance	Corporate Services	16.3		
11	Residential Caravan Licensing	Council on 17/4/24 agreed to instruct the Chief Officer - Governance to report back to the Licensing Committee before November 2024 outlining additional site licence conditions as necessary and required as result of residential caravan licence renewal site inspections and to include consideration of a mandatory condition	The Committee on 9/10/24 were advised that the process of assessing and reissuing all Residential Caravan Sites Licences will not be completed until the end of November, therefore, information on additional licensing conditions and/or mandatory conditions will not be possible until then.	Hazel Stevenson	Governance	Corporate Services	16.3		The process of assessing and reissuing all Residential Caravan Sites Licences will not be completed until the end of November, therefore, information on additional licensing conditions and/or mandatory conditions will not be possible until then.
12			14 May 2025						
13	Low Emission Zone Time-Limited Exemption for Taxis and Private Hire Cars	The Committee on 5/6/24 instructed the Chief Officer – Strategic Place Planning to report back to the Licensing Committee with an update prior to the one year exemption from the Aberdeen Low Emission Zone (LEZ) granted to taxi and private hire car (PHC) operators	Prior to June 2025	Will Hekelaar	Strategic Place Planning	City Regeneration and Environment	16.3		
14			27 August 2025						
15	No Reports scheduled at this time								
16			8 October 2025						

	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	No Reports scheduled at this time								
17	No Reports scheduled at this time								
18			17 December 2025						
19	No Reports scheduled at this time								
20			TBC						
21	Taxi and Private Hire Driver Training	The Committee on 5/6/24 agreed to instruct the interim Chief Officer – Governance to submit a report to the Committee in due course following the completion of all necessary background works required to implement the program		Sandy Munro	Governance	Corporate Services	16.3		
22	Second Hand Dealer's Licence Resolution	to review existing resolution and determine if a review exercise is required	On 26/8/24 the Committee were advised that the report was delayed due to a transitional period for consultation exercise providers	Sandy Munro	Governance	Corporate Services	16.3		
23	Public Entertainment Licensing Resolution	to consider the results of the review of Public Entertainment Licensing Resolution	On 26/8/24 the Committee were advised that the report was delayed due to a transitional period for consultation exercise providers	Sandy Munro	Governance	Corporate Services	16.3		

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ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	4 December 2024
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Annual Committee Effectiveness Report
REPORT NUMBER	CORS/24/309
DIRECTOR	Andy MacDonald
CHIEF OFFICER	Alan Thomson/Vikki Cuthbert
REPORT AUTHOR	Mark Masson
TERMS OF REFERENCE	GD 8.5

1. PURPOSE OF REPORT

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

2. RECOMMENDATIONS

That Committee:-

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

3. CURRENT SITUATION

Annual Reports on Committee Terms of Reference

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

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

- 3.4 The reports provide a mechanism for each committee to annually review its effectiveness, including data on attendance, any late reports, referrals to Council and the number of times officer recommendations were amended, and to ensure that it is following its Terms of Reference.
- 3.5 Similarly, recording the sections or stretch outcomes of the Local Outcome Improvement Plan (LOIP) which apply to each report allows Members to be aware of the direct impact of any proposals before them on the LOIP, and gives a general overview at the end of each year of the number of reports which have had an impact on the LOIP stretch outcomes.
- 3.6 Any comments from Members on areas of data that should be considered would be welcomed to ensure that Members are presented with meaningful data.
- 3.7 The annual report for 2023/2024 is therefore appended for the Committee's consideration. Following consideration by the Committee, the report will be submitted to Full Council in December for noting.

4. FINANCIAL IMPLICATIONS

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

5. LEGAL IMPLICATIONS

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

6. ENVIRONMENTAL IMPLICATIONS

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

7. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation	*Does Target Risk Level Match Appetite Set?
Strategic Risk	N/A			Yes
Compliance	Failure to submit this report would	L	Council is given the opportunity to consider the reports	Yes

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

8. OUTCOMES

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

9. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	It was confirmed by Interim Chief Officer – Governance Vikki Cuthbert, that no impact assessment was required on 9/10/24.
Data Protection Impact Assessment	Not required

10. BACKGROUND PAPERS

None.

11. APPENDICES

- 11.1 Licensing Committee Annual Effectiveness Report 15 October 2023 to 15 October 2024

12. REPORT AUTHOR CONTACT DETAILS

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Licensing Committee Annual Effectiveness Report 2023/2024



Contents

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

1. Introduction from Convener

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



Councillor Gill Al-Samarai
Convener – Licensing Committee

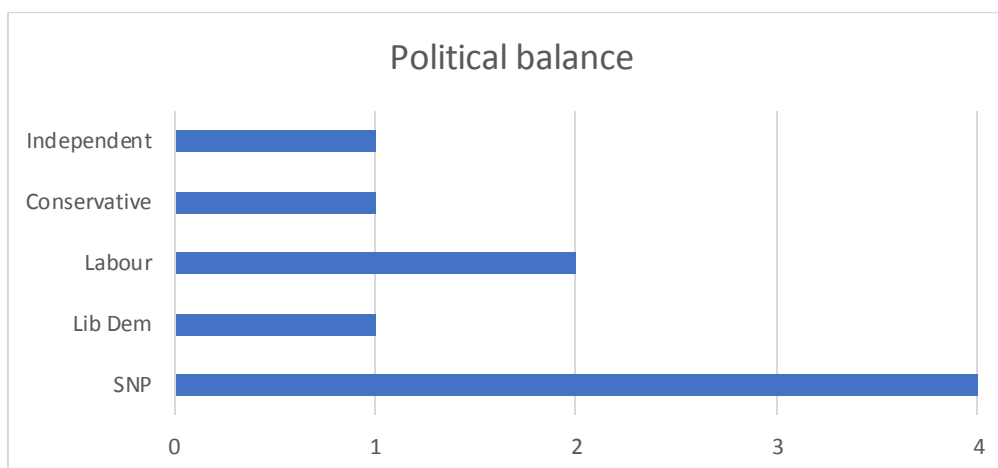
2. The Role of the Committee

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

3. Membership of the Committee during 2023/2024

3.1 The Licensing Committee had 13 members, however in February 2024 Council agreed to reduce the number of elected members to 9.

3.2 The Committee composition is presented below:-



4. Membership Changes

4.1 There were no changes to the membership following the reduction of members from 13 to 9.

5. Member Attendance

Member	Total Anticipated Attendances	Total Attendances	Substitutions (Cllrs)
Councillor Al-Samarai (Convener)	6	4	Copland x 2
Councillor Delaney (VC)	6	6	
Councillor Clark	6	6	
Councillor Henrickson	6	6	
Councillor Lawrence	6	6	
Councillor MacGregor	6	4	McRae & Copland
Councillor McLeod	6	4	
Councillor Graham	5	4	Malik
Councillor van Sweeden	5	5	
Previous Members			
Councillor Ali	1	1	
Councillor Boulton	1	1	
Councillor Fairfull	1	1	
Councillor Farquhar	1	1	
Councillor Grant	1	0	

6. Meeting Content

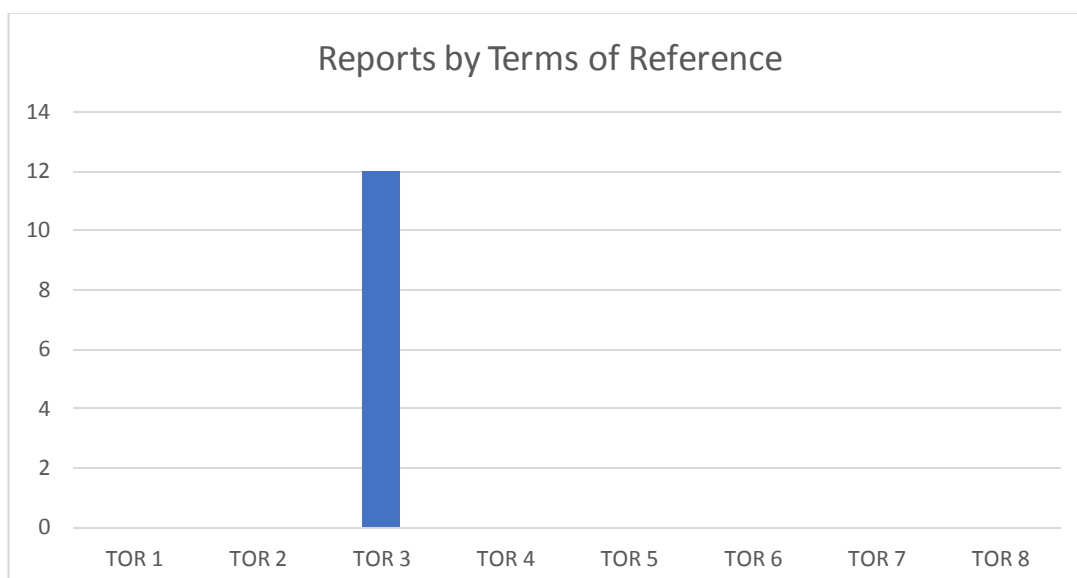
6.1 During the 2023/2024 reporting period (15 October 2023 to 15 October 2024), the Committee had 6 meetings and considered a total of 12 reports.

6.1.1 The Committee also considered 48 applications, 40 Requests for Exemption from Committee Policy and 8 Complaints made against licence holders.

6.1.2 There was 6 meetings of the Licensing Sub Committee during the reporting period, this was mainly due to the arrangements required to consider Short Term Let applications in terms of the Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022.

6.2 Terms of Reference

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



6.2.2 During the course of 2023/2024 the Committee received reports under only one of its main Terms of Reference (TOR 3 – to determine all other matters relating to licensing including the setting of taxi fares and the designation of taxi stances).

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

6.2.4 As the committee structure was reviewed in late 2022, no changes to the Terms of Reference were made following the 2024 Scheme of Governance review. The new Terms of Reference will continue to be monitored throughout the year, in preparation for the 2024 Scheme of Governance review.

7. Reports and Decisions

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

	Total	Total Percentage of Reports
Confidential Reports	0	N/A
Exempt Reports	0	N/A
Number of reports where the Committee amended officer recommendations	0	N/A
Number of reports approved unanimously	12	100%
Number of reports or service updates requested during the consideration of another report to provide additional assurance and not in business planner	0	N/A
Number of reports delayed for further information	0	N/A
Number of times the Convener has had to remind Members about acceptable behaviour in terms of the Code of Conduct	0	N/A
Late reports received (i.e. reports not available for inspection at least 3 clear days before the meeting)	0	N/A
Number of referrals to Council under SO 34.1	0	N/A

Notices of Motion, Suspension of Standing Orders, Interface with the Public	
Number of Notices of Motion to Committee	0
Number of times Standing Orders suspended	1 (SO 40.2 – length of meeting)
Specific Standing Orders suspended	N/A
Number of deputations requested	0
Number of deputations heard	0
Number of petitions considered	0

8. Reports with links to the Local Outcome Improvement Plan

- 8.1 All 12 reports considered by the Committee had no impact to the Local Outcome Improvement Plan.

9. Training and Development

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

10. Code of Conduct Declarations and Transparency Statements

- 10.1 There were no declarations of interest intimated and there were 9 transparency statements made by Members during the reporting period. Information in respect of declarations of interest and transparency statements is measured to evidence awareness of the requirements to adhere to the Councillors' Code of Conduct and the responsibility to ensure fair decision-making.

11. Civic Engagement

- 11.1 The Committee's focus throughout the reporting period has largely been on compliance with the licensing legislation. A survey exercise has commenced on the availability/demand for taxi and private hire vehicles as well as a review of taxi rank provision in the city.
- 11.2 The Committee also liaises directly with representatives of the taxi and private hire car vehicle trade by way of the Council's Taxi and Private Hire Car Consultation Group throughout the year to discuss matters of interest to the trade. In addition, a working group was set up with members of the Consultation Group plus external members to examine the content of the Street Knowledge Test for taxi and private hire drivers.
- 11.3 The Committee has also engaged with statutory partners such as Police Scotland, Scottish Fire and Rescue Service, Roads Authority, Environmental Health and Building Standards to ensure all public safety matters are being brought to the Committee's attention.

12. Executive Lead to the Committee - Commentary

- 12.1 The Committee would appear to be working effectively noting that:-
- Any delays in considering reports were as a result of additional information being requested to ensure all decisions are fully informed;
 - One of the main terms of reference was engaged;

- All applications were considered by the Committee in accordance with the statutory requirements; and
 - All committee reports were able to be considered in public;
- 12.2 No late reports were submitted to the Committee showing evidence that Committee business was being appropriately managed and scheduled.
- 12.3 All applications were determined under delegated powers or referred to Committee within statutory time limits.
- 12.4 Throughout the next reporting period we will continue to review the Committee's business against the Terms of Reference and any changes proposed will be considered as part of the annual review of the Council's Scheme of Governance.

13. The Year Ahead

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

Appendix 1 – Local Outcome Improvement Plan Stretch Outcomes

Economy	
1.	20% reduction in the percentage of people who report they have been worried they would not have enough food to eat and/ or not be able to heat their home by 2026
2.	74% employment rate for Aberdeen City by 2026
People (Children & Young People)	
3.	95% of all children will reach their expected developmental milestones by their 27-30 month review by 2026
4.	90% of children and young people report they feel listened to all of the time by 2026
5.	By meeting the health and emotional wellbeing needs of our care experienced children and young people they will have the same levels of attainment in education and positive destinations as their peers by 2026
6.	95% of children living in our priority neighbourhoods (Quintiles 1 & 2) will sustain a positive destination upon leaving school by 2026
7.	83.5% fewer young people (under 18) charged with an offence by 2026
8.	100% of our children with Additional Support Needs/disabilities will experience a positive destination
People (Adults)	
9.	10% fewer adults (over 18) charged with more than one offence by 2026
10.	Healthy life expectancy (time lived in good health) is five years longer by 2026
11.	Reduce the rate of both alcohol related deaths and drug related deaths by 10% by 2026
12.	Reduce homelessness by 10% and youth homelessness by 6% by 2026, ensuring it is rare, brief and non-recurring with a longer term ambition to end homelessness in Aberdeen City.
Place	
13.	Addressing climate change by reducing Aberdeen's carbon emissions by at least 61% by 2026 and adapting to the impacts of our changing climate
14.	Increase sustainable travel: 38% of people walking; 5% of people cycling and wheeling as main mode of travel and a 5% reduction in car miles by 2026
15.	26% of Aberdeen's area will be protected and/or managed for nature and 60% of people report they feel that spaces and buildings are well cared for by 2026
Community Empowerment	
16.	100% increase in the proportion of citizens who feel able to participate in decisions that help change things for the better by 2026

ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	4 December 2024
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Taxi Fleet Composition
REPORT NUMBER	CORS/24/358
DIRECTOR	Gale Beattie
CHIEF OFFICER	Alan Thomson/Vikki Cuthbert
REPORT AUTHOR	Sandy Munro
TERMS OF REFERENCE	16.3

1. PURPOSE OF REPORT

- 1.1 To provide an update on the options for implementation of a mixed taxi fleet.

2. RECOMMENDATION(S)

That the Committee :-

- 2.1 consider the options for the implementation of a mixed fleet;
- 2.2 agree the details in Appendix 2 to be put to a public consultation; and
- 2.3 instruct the Chief Officer - Governance to report the results of the public consultation to the Committee on 19 February 2025.

3. CURRENT SITUATION

- 3.1 The Committee introduced a policy in 1994 whereby new applications for taxi licences were required to be for WAVs. An exemption was allowed for existing licence holders at that time which effectively meant that they could retain a non-WAV and even licence a further non-WAV on the renewal of the licence or replacement of the vehicle. At that time, it was intended that there would be a gradual move to a 100% WAV taxi fleet but no backstop date was fixed for implementation.
- 3.2 In 2006 the Committee removed the overall limit on the number of taxi licences which existed then, although all new applications still required to be for WAVs.
- 3.3 The Committee's policy was challenged in the case of Wilson v Aberdeen City Council in 2007 and the Court of Session ruled that both the Committee's policy and also the "two tier" system of licences that resulted (pre and post 1994) were valid.

- 3.4 A limit on the overall number of taxi licences was re-imposed on 6 June 2012 and the Committee instructed a consultation exercise to review the WAV policy. The majority of consultees were in favour of a WAV taxi fleet and at the meeting on 6 June 2012 the Committee fixed a date of 6 June 2017 by which time all taxis would require to be WAVs. The Committee recognised this as the most efficient way of meeting the Public Sector Equality Duty imposed by the Equality Act 2010.
- 3.5 The Committee considered the implications of setting aside the policy regarding WAVs at its meeting of 6 April 2016 and decided to retain the policy, although the matter was referred to Full Council for consideration. At the meeting of 11 May 2016 Full Council upheld the decision of the Committee which was to retain the 100% WAV taxi fleet, but they amended the backstop date for implementation to 6 June 2018.
- 3.6 The matter was placed before the Committee again on 13 June 2017 following updated information from the Scottish Government and Dundee City Council and the Committee requested a further report on the process and potential implications for revisiting the policy. At the meeting of 17 September 2017, the Committee instructed a consultation exercise on a mixed fleet policy and instructed officers to report back with the results of that exercise and details of the potential legal and financial implications on adopting a mixed fleet policy.
- 3.7 At the meeting of 5 June 2018 the Committee amended the date by which all vehicles licensed as taxis required to be WAVs to June 2023 but instructed officers to prepare a report with suitable mixed fleet policy options for the split which would address all customer needs whether they are a wheelchair user, visually impaired or have other mobility requirements or other relevant disability.
- 3.8 The backstop date was removed at the Committee meeting on 15 March 2023 and officers instructed to prepare a report on possible methods of operation for a mixed fleet.
- 3.9 A consultation exercise was undertaken with the trade representatives on the taxi and private hire consultation group. Their response is attached as Appendix 1.
- 3.10 The first decision is the ratio of the split itself. Currently we have approximately 305 WAVs (58%) and 217 saloons (42%). The trade have suggested a split of 60% saloon vehicles and 40% WAVs. There is no clear formula with which to obtain a suitable ration but in order to ensure the Authority is complying with the Public Sector Equality Duty it is recommended that any split is at least 50% WAVs. Accordingly it is suggested that the policy commences with a 50-50 split which can be reviewed at a later date.
- 3.11 In order to achieve and maintain the suggested ratio it is recommended that the current policy which requires all new vehicles to be WAVs is retained. Current licence holders can then apply to a waiting list for saloon plates. The trade have suggested that priority is given to licence holders who have operated WAVs for the longest time. Whilst that suggestion has merit it may not be possible to

implement in practice. As a result of retention policies the necessary data is unlikely to be available to accurately do so. Additionally, that would create the potential problem of applicants joining the list near the top and pushing others who have been awaiting a vacancy further down the list.

- 3.12 The alternative is to request licence holders to email their interest in joining the waiting list and operate the list in the order of application. It is suggested that a date and time is provided to all licence holders and requests received prior to that date and time are not considered. It may be possible to stagger the time and date to provide those who have operated WAVs the longest an earlier opportunity to join the list.
- 3.13 A process for taking up a vacant saloon plate also needs to be considered. Given that it will likely require the purchase of a new vehicle for a licence holder it is suggested that when a plate becomes available the first name on the waiting list is asked to confirm their interest remains live within 7 days. If so, the licence holder then has 3 months in which to submit a substitution application, failing which the opportunity passes to the next name on the list.
- 3.14 The other aspect mentioned by the trade is a possible financial incentive to encourage applicants to licence a WAV. That suggestion has merit and it is suggested that officers investigate the possibility of a reduced fee for a WAV vehicle.
- 3.15 In summary, it is proposed that the options detailed in Appendix 2 is subject to a public consultation exercise to include the trade, disability groups and other relevant stakeholders.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from 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

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

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	No significant risks identified.			
Compliance	Failure to provide facilities for all could leave the Authority open to challenge under the Public Sector Equality Duty	Ensure the final policy means vehicles are accessible to all.	M	
Operational	No significant risks identified.			
Financial	No significant risks identified.			
Reputational	Departing from previous policy may result in reputational damage from licence holders who held a reasonable expectation that the policy would be implemented.	If the goal of 100% WAV fleet is disregarded there may be some operators who switched to WAVs in the reasonable expectation that the previous policy would have been implemented. That will have to be factored into the composition and maintenance of a mixed fleet.	M	
Environment / Climate	No significant risks identified.			

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN 2022-2023</u>	
Impact of Report	
Aberdeen City Council Policy Statement <u>Working in Partnership for Aberdeen</u>	No significant impact from the recommendations of this report.
<u>Aberdeen City Local Outcome Improvement Plan</u>	
Prosperous Economy Stretch Outcomes	No significant impact from the recommendations of this report.
Prosperous People Stretch Outcomes	No significant impact from the recommendations of this report.
Prosperous Place Stretch Outcomes	No significant impact from the recommendations of this report.
Regional and City Strategies	No significant impact from the recommendations of this report.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Full impact assessment not required
Data Protection Impact Assessment	Not required
Other	N/A

10. BACKGROUND PAPERS

10.1 None

11. APPENDICES

11.1 None

12. REPORT AUTHOR CONTACT DETAILS

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

Taxi trade proposals for mixed fleet.

ACC's Licensing Committee's policy since circa 2018 is for city to adopt a mixed Taxi fleet, these are our proposals / suggestions. These proposals are just an initial framework

Current Numbers of Taxis in Aberdeen, courtesy of Compliance 21st August 2024.

Saloon Yellow, Green plate: 207

WAV Vehicles 313

Our view is that ultimately the split should be 60% saloon, 40% WAV however it is obviously clear without skewing the numbers at the offset, this cannot be achieved immediately. We need to be conscious of LEZ restrictions applicable to Taxis come June 2025. A number of current WAV vehicles will need to be replaced prior to June 2025, if not the WAV number could drop. Last data available (Feb 2024) showed that there were 146 vehicles at that time that would not comply with LEZ, however, majority of these drivers have, or will replace their vehicles prior to June 2025.

Cost of WAV vehicles also need to be considered. A WAV in 2019/20 cost approx. £21k, same vehicle today costs £37k

We would keep policy that all new Taxi Licences are WAV. Although WAV vehicles are extremely expensive, there may be an opportunity for new applicants to purchase vehicles that drivers are replacing with saloons. We would also advocate some form of incentive by the council to encourage and to help drivers when first Licensing a WAV vehicle and should be a reduced cost (£40) test fee.

Our suggestion at the outset.

Stage 1, aim to initially get to a 50/50 split in 12 months, if we were to try and achieve this instantly, we would need 53 WAV drivers to convert, that, in our opinion is too many, so we would suggest that this is done in a controlled manner. At the outset allow 25 WAV drivers to convert to saloon giving them 12 months to make switch. By this time next year (2025) any loss of WAV vehicles due to LEZ will be apparent and a clearer picture will emerge, at which point we go to stage 2, and aim to reach a 60% 40% split by October 2026.

Who gets the option ?

Drivers who have held a WAV Licence longest, from 1995 forward, we think this is the fairest way. We feel this option should only be available for individual Licence holders and not companies.

Mixed Taxi Fleet Proposals for Public Consultation

Establish a split of 50% Wheelchair Accessible Vehicles (WAVs) and 50% saloon vehicles.

Maintain the current policy that all new applications require to be for WAVs.

Establish a waiting list for licence holders wishing to change from a WAV to a saloon vehicle.

Provide current licence holders who have operated a WAV for at least 5/10 years the first opportunity to register an interest to join the waiting list. This will be done by asking licence holders to email the licensing email address from a certain date and time (eg 12 noon on 4 December) and the list will be compiled in the order in which the requests are received. No request received before the stipulated time and date will be considered.

Thereafter all remaining current licence holders will be afforded the opportunity to register their interest in joining the list in the same way on a later date.

When a saloon plate becomes available the first name on the list will be invited to confirm within 7 days that they remain interested. If they do not do so they will be moved to the bottom of the list and the opportunity will pass to the next name on the list.

If they do confirm that they remain interested they will have 3 months from the date of the original availability to submit an application to substitute a saloon vehicle onto their licence. Again, if this is not done they will be moved to the bottom of the list and the opportunity offered to the next name on the list.

[Given there may be exceptional circumstances for someone to pass on an opportunity it may be more appropriate to only move a name to the bottom of the list on their second pass?]

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ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	4 December 2024
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Taxi Fare Review
REPORT NUMBER	CORS/24/359
DIRECTOR	Gale Beattie
CHIEF OFFICER	Alan Thomson/Vikki Cuthbert
REPORT AUTHOR	Sandy Munro
TERMS OF REFERENCE	16.3

1. PURPOSE OF REPORT

1.1 To ask Committee to agree a fare tariff.

2. RECOMMENDATION(S)

That the Committee:-

2.1 Approves a fare tariff after considering the trade responses;

2.2 Instructs the Chief Officer-Governance to publish the fare tariff to take effect as of a specified date; and

2.3 Instructs the Chief Officer-Governance to report any representations to Committee prior to 28 January 2025, or in the absence of any representation, to notify all operators of taxis within 7 days of the new tariff and their rights of appeal to the Traffic Commissioner.

3. BACKGROUND

3.1 The Civic Government (Scotland) Act 1982 (“the Act”) requires a Licensing Authority to review taxi fares every 18 months. The last review took effect on 31 July 2023 and accordingly the next one is due by 31 January 2025.

3.2 The Scottish Government’s Taxi and Private Hire Car Licensing: Best Practice for Licensing Authorities states that authorities are advised as best practice to pay regard to advice contained in paragraphs 2.34-2.37 of Scottish Development Department Circular 25/1986. It states that, “in fixing fares, authorities will want to pay primary regard to the costs incurred by the trade, having regard to the capital costs (including interest payments) of the vehicles, the costs of maintaining and replacing them to a standard of the licensing authority, of employing drivers and the prevalent level of wages and costs in related road transport industries. The public interest is best served by ensuring

the maintenance of an adequate taxi service by giving the trade a fair return rather than depressing fares for social reasons, however understandable.”

- 3.3 A change index is used to calculate the percentage change in costs since the fares were last reviewed. The index used is the outcome of advice received in April 2013 by the Committee from consultants engaged for that purpose and is based on two component parts: operating costs and average earnings.

Change Index = Change Costs + Change Earnings.

- 3.4 The formula assumes an average annual mileage of 54,612 miles, which is the figure arrived at after sampling 5% of the fleet. It also assumes a vehicle life of five years. The vehicle cost is based on the weighted average costs of the most common saloon car available to buy as new (Toyota Corolla Hybrid) and the most common Wheelchair Accessible Vehicle available to buy as new (Peugeot Rifter). Prices are based on the basic model for each. To calculate the annual cost, it is assumed that each have a lifecycle of five years. Parts, tyres, labour and fuel costs are obtained from the annual table of running costs for diesel vehicles from the HPI Motoring cost website at <https://www.hpi.co.uk/tco-check#product-tco>. The HPI website is the best site to use for the calculation, due to it being a recognised financial data company and the ability to calculate up to date costs per typical model of private hire car. The figures for earnings are obtained from the Office of national Statistics (ONS), Annual Survey of Hours and Earnings (ASHE) and use the UK annual mean earnings for full time employees.

- 3.5 The table below shows that using the above formula, most costs have increased since the last review took place.

Component of Index	Annual Cost 2023	Annual Cost 2025	% Change 2022-2023
Vehicle Cost	5,100	5,453	6.92%
Replacement Parts	919	1,203	19.58%
Tyres	566	681	3.81%
Service Labour	748	704	-5.88%
Fuel	4,882	5,304	8.64%
Insurance	2,175	1,400	-35.63%
Miscellaneous	501	468	-6.59%
Total Operating Costs	14,891	15,213	2.16%
Average National Earnings	33,696	34,944	3.70%
National Insurance	2,021	2,097	3.76%
Grand Total	50,608	52,254	3.25%

- 3.6 The formula suggests that an increase of 3% would accordingly be appropriate. The current tariff card is attached as Appendix 1. An amended tariff card is

attached as Appendix 2 where the increase has been achieved by amending the yardage where appropriate.

- 3.7 The Act requires a Licensing Authority to consult with persons or organisations appearing to it to be, or to be representative of, the operators of taxis operating within its area before fixing the scales. The proposed tariff card was shared with the Members of the Taxi & Private Hire Consultation Group on 6 November and all holders of taxi licences were emailed a copy of the calculations using the formula and asked to submit any comments they had by 20 November 2024. The comments are attached as Appendix 3. The tariff card suggested by the trade members of the Taxi & Private Hire Consultation Group is attached as Appendix 4.
- 3.8 The Act requires the Licensing Authority to publish the proposed new tariff in a newspaper circulating in its area stating that representations may be made by a date at least 1 month after the publication of the proposed tariff. Any representations must be considered before the final tariff is agreed upon.
- 3.9 Once the final fare tariff has been agreed the operators of taxis have to be informed within 7 days. Any operator may submit an appeal to the Traffic Commissioner within 14 days of being notified of the final fare tariff.

4. FINANCIAL IMPLICATIONS

- 4.1 The approval of the recommendations will require:
 - 4.1.1 Written notice to all taxi licence holders and the persons and organisations consulted during the review, setting out and explaining the effect to the scales fixed, the date they are to come into effect and their rights of appeal to the Traffic Commissioner.
 - 4.1.2 Copies of the new Taxi Tariff Card to be produced and issued to all taxi and private hire licence holders to be displayed in their vehicles;
 - 4.1.3 Staff costs of the fare review will be contained within existing approved budgets.
 - 4.1.4 There will, therefore, be a financial cost to the Licensing Team, Governance in consultation advertisements, producing and issuing the above documentation. These costs will be met within existing taxi licensing budgets.

5. LEGAL IMPLICATIONS

- 5.1 In terms of Section 17 of the Civic Government (Scotland) Act 1982 (“The Act”) the Council, as the licensing authority for taxis is obliged to regularly review and fix the scales for fares and surcharges so that they take effect within 18 months beginning with the date on which the previous scales came into effect. The current tariff and surcharges took effect on 31 July 2023. Therefore, the review must be completed, and the scales fixed no later than 31 January 2025.

6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk	There is no strategic risk to Aberdeen City Council arising from the recommendations in this report	L	
Compliance	There is a legal risk if Aberdeen City Council does not comply with legislation	L	To ensure that the Committee approve the fare review within the statutory time scales.
Operational	There is no operational risk to Aberdeen City Council arising from the recommendations in this report	L	
Financial	There is no financial risk to Aberdeen City Council arising from the recommendations in this report	L	
Reputational	As a licensing authority there would be a reputational risk to the Council if it failed to undertake its legal obligation and not carry out the review.	L	As this report is introducing the review for consultation within the statutory time period any risk is mitigated.
Environment / Climate	There is no risk to the environment arising from the recommendations of this report	L	

7. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
	Impact of Report
Aberdeen City Council Policy Statement	Not applicable

Aberdeen City Local Outcome Improvement Plan	
Prosperous Economy Stretch Outcomes	Not applicable
Prosperous People Stretch Outcomes	Not applicable
Prosperous Place Stretch Outcomes	Not applicable
Regional and City Strategies	
	Not applicable
UK and Scottish Legislative and Policy Programmes	
	The report sets out the procedure to review Taxi fares as per S17 of the Civic Government (Scotland) Act 1982

8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Full impact assessment not required
Data Protection Impact Assessment	not required

9. APPENDICES

- 9.1 Appendix 1- Current Taxi Fare Tariff
Appendix 2 – Proposed Taxi Fare Tariff
Appendix 3 – Trade Consultation Responses
Appendix 4 – TCG Trade Members’ Proposed Tariff

10. REPORT AUTHOR CONTACT DETAILS

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Title	Solicitor
Email Address	alemunro@aberdeencity.gov.uk

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

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

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

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

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

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

Tariff 2 Applies 08:00 to 20:00 Hrs

Extras

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

Chief Officer- Governance

EXPLANATORY NOTES.

1. The Council is required to set a maximum amount that can be charged for journeys in Taxis and Private Hire Cars fitted with Taximeters which it licences. Fares are reviewed at regular intervals to take into account of the operational costs of the vehicle and the driver's time, to allow the operator to make a reasonable return and to encourage the operation of taxis. Comparisons are made with taxi fares in other areas of the UK. There is opportunity for the public and trade to participate in the setting on the levels of fares proposed and taxi operators have the right to appeal against the Tariff set down by the Council before it comes into operation.
2. Please note that a taxi driver is not required to take you on a **journey ending outside the city boundary. Typical Destinations in the City** – Aberdeen Airport, Bridge of Don, Cove, Dyce, Kingswells and Peterculter. **Outwith the City** – Banchory, Blackburn, Ellon, Kemnay, Kintore, Inverurie, Oldmeldrum, Portlethen, Stonehaven and Westhill. If the driver does agree to take you outwith the city, these maximum fares do not apply and it is up to you to reach agreement with the driver as to the fare. You should do this before you start.
3. If you have booked a taxi to arrive at a particular time and keep it waiting, the driver can start the meter running once he has made his presence known to you and you can be charged at the maximum Waiting Time Rate shown on the Tariff.
4. The taximeter contains an electronic clock and calendar and calculates the correct fare based on the date, time of day and distance travelled. If the vehicle's speed falls below a predetermined speed, the taximeter will automatically switch over from calculating the fare based on the distance travelled to a calculation based on the time spent in the vehicle. You will be able to see the fare mounting up on the taxi meter as the vehicle goes along.
5. The driver is required to take you to your destination by the shortest or quickest practicable route.
6. The maximum fare you are required to pay is the sum calculated in accordance with the Tariff overleaf.
7. Please note that - (1) The fare payable may differ for the same journey on different days if the taxi has been held up in traffic and (2) a very short journey may be relatively expensive, due to the way the meter works. The fare will also vary depending on whether the trip was during the evening, early Saturday or Sunday morning or during certain public holidays.
8. If you are asked to pay VAT on the fare, please ask for a proper VAT receipt.
9. It is up to you to decide whether you wish to give the driver a **Tip**.
10. It is a criminal offence for you to take a taxi journey without having the money to pay for it.

Website: For explanatory notes about the tariff & other taxi/private hire car information see aberdeencity.gov.uk.

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



NOTICE TO BE PROMINENTLY DISPLAYED IN VEHICLE

CITY OF ABERDEEN LICENSING OF TAXIS AND PRIVATE HIRE CARS
MAXIMUM CHARGES APPLICABLE TO HIRE OF TAXIS (AND PRIVATE HIRE CARS FITTED WITH TAXI METERS)
– WITH EFFECT FROM 31 JANUARY 2025

Tariff 1	08:00 to 22:00 Monday to Friday	
(A)	For the FIRST 820 yards	£3.00
(B)	For every additional 139 yards	£0.20
Tariff 2	22:00 to 08:00 Monday to Friday AND All Day Saturday & Sunday (Except 02:00 to 05:00)	
(A)	For the FIRST 820 yards	£5.00
(B)	For every additional 139 yards	£0.20
Tariff 3	02:00 to 05:00 Saturday & Sunday	
(A)	For the FIRST 820 yards	£6.00
(B)	For every additional 139 yards	£0.20
Tariff 4	Christmas Tariff (20:00 on 24 December and 05:00 on 27 December and between 20:00 on 31 December and 05:00 on 3 January)	
(A)	For the FIRST 820 yards	£6.00
(B)	For every additional 139 yards	£0.30

For each hiring on the Spring, May Day, Midsummer and Autumn holidays as follows:-

Tariff 2 Applies

Spring - Monday following third Sunday in April (if such Monday falls within the week in which Good Friday falls, then the following Monday) Mayday - first Monday in May; Midsummer-second Monday in July; Autumn - fourth Monday in September

Where 5 or more passengers carried add 50% to final fare (calculated per appropriate tariff above)

Extras

- (A) **Waiting**
A sum calculated at the rate of £0.45 per minute (Except where Tariff 4 applies calculate at £0.55 per minute).
- (B) **Surcharges**
- (1) For each hiring pre-booked. **£1.00**
- (2) For each hiring commencing at Aberdeen Railway Station (Railway taxis Only) **£1.00**
- (3) Airport Fees – Any current charge levied by Aberdeen International Airport in relation to dropping off or picking up passengers (Including Airport Taxis). (Passengers must be made aware that additional charges may be incurred in advance)
- (4) A charge of £60 per incident of fouling a taxi.

EXPLANATORY NOTES.

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

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

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

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

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

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

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

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

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

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

Website: For explanatory notes about the tariff & other taxi/private hire car information see aberdeencity.gov.uk.

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

Taxi Trade Fare Review Responses

R Rafeek

hello good morning,

Despite the facts that have been mentioned in the email,

I can say in one word “ No “ fare increase.

Thank you very much .

A Ross

Leave fares as they are as it takes a long time for driver to benefit thanks

D Alaita

Thank you for your email and request to send comments on the new tariff increase.

In my opinion, I do not think the fare increase is necessary. This will decrease the footfall of taxi users and eventually people will be forced to look for alternative transportation or not come out at night time. Overall percentage increase is just 3.25%, but it will do more damage than good for the trade. Currently, passengers are complaining that taxi fare is too high in Aberdeen and there are not enough taxis to cater for the demand. There should be more focus on how to increase the number of taxis and PH cars in the city.

More people will want to use taxis if they feel the cost is affordable which in the long run increases the number of runs per hour/shift for drivers and thus the overall take home will be far more than the 3.25% increase.

I hope my comments are helpful and would be considered.

Trade Members of Taxi & Private Hire Consultation Group

Firstly, can we apologies for the late submission of our request, we feel we were only made aware that this was imminent at T&PHCG meeting on the 6th November and were given 14 days to consult with our members, then formulate our proposal.

We were provided with the Licensing interpretation of how the formula looked, after some scrutiny, we effectively came to much the same conclusion, we have provided below Licensing formula calculation, of which we have based our request.

Component of Index	Annual Cost 2023	Annual Cost 2025	% Change 2023-2025
Vehicle Cost	5,100	5,453	6.92%

Replacement Parts	919	1,203	30.90%
Tyres	566	681	20.32%
Service Labour	748	704	-5.88%
Fuel	4,882	5,304	8.64%
Insurance	2,175	1,400	-35.63%
Miscellaneous	501	468	-6.59%
Total Operating Costs	14,891	15,213	2.16%
Average National Earnings	33,696	34,944	3.70%
National Insurance	2,021	2,097	3.76%
Grand Total	50,608	52,254	3.25%

It would be our request that we increase each fare by 3.5%, by simply reducing the yardage, we have provided a current and proposed tariff card.

We have a further 2 requests:

- 1) Each FARE commencing between 2am – 5am Saturday & Sunday, increases by £1 (from £6 to £7)
- 2) Our soiling charge does lack behind most authorities, we would ask for this to be increased from £60 to £100.

Point 1, is to try and encourage more drivers to work during these unsociable hours.

Point 2, Once a vehicle has been soiled, it effectively removes the drivers ability to operate for the remainder of that day, driver then needs to cover the cost of cleaning vehicle, either by paying a 3rd party, or doing job themselves, which is time

While members are considering our request, can they keep in mind a number of points, which we feel are relevant.

- 1) Any increase agreed is what drivers will need to live with until at least 3rd quarter of 2026, that's almost 2 years away. What is being asked is both sensible and affordable.
- 2) Other Scottish authorities have recently agreed to fare to increases, notably Edinburgh, up 9.5%,Dundee, up 13% & Aberdeenshire up 5%

Finally, as a trade we have in the past been guilty of not asking for an increase, when we probably should have, in fact some time ago we requested no fare increase for 2/3 cycles, however all this creates is a point in time when we are playing catch up, we are then looking at a large 10% + increase to catch up, so sensible approach, is to ask what we need each cycle.

We would ask members to agree to the trades request.

We would ask that any implementation is scheduled for 1st week of Easter holidays, hopefully we could secure the use of Lochside Academy again ?

For pure weather & logistic reasons, to try and schedule earlier would be a challenge for a location, that did not incur a substantial cost.

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TARIFF CARD

COUNCIL STAMP

CITY OF ABERDEEN LICENSING OF TAXIS AND PRIVATE HIRE CARS MAXIMUM CHARGES FOR ALL VEHICLES FITTED WITH A TAXI METER FROM ??/??/2025

TARIFFS. all tariffs and holidays are time locked into the taxi meter out with control of the driver

1) 08:00HRS > 20:00HRS MONDAY > FRIDAY

FIRST 952YDS	£3.00
EVERY 141 YDS THEREAFTER	£0.20

2) 20:00HRS > 08:00HRS MONDAY > FRIDAY AND ALL DAY SATURDAY AND SUNDAY EXCEPT 02:00HRS >05:00HRS

FIRST 952YDS	£5.00
EVERY 141YDS THEREAFTER	£0.20

3) 02:00 > 05:00HRS SATURDAY AND SUNDAY MORNING ONLY

FIRST 952YDS	£7.00
EVERY 141YDS THEREAFTER	£0.20

4) CHRISTMAS AND NEW YEAR (as defined below)

FIRST 952YDS	£6.00
EVERY 141YDS THEREAFTER	£0.30

WAITING TIME = £28.30 PH CALCULATED IN INCREMENTS OF 20p EVERY 25.4 SECONDS

WHERE MORE THAN 4 PASSENGERS CARRIED ADD 50% TO ABOVE RATES

HOLIDAYS

SPRING=MONDAY FOLLOWING 3RD SUNDAY IN APRIL(if such Monday fall within the week of Good Friday then the following Monday)

MAYDAY= 1st Monday in May. MIDSUMMER= 2nd Monday in July. AUTUMN= 4th Monday in September

TARIFF 3 APPLIES 00:00HRS > 08:00HRS

TARIFF 2 APPLIES 08:00HRS > 20:00HRS

TARIFF 3 APPLIES 20:00HRS > 24:00HRS

CHRISTMAS AND NEW YEAR

TARIFF 4 APPLIES

WAITING TIME CALCULATED IN INCREMENTS OF 30p EVERY 25.4 SECONDS

20:00hrs 24th December > 05:00hrs 27th December

20:00hrs 31st December > 05:00hrs 3rd January

EXTRAS AND SURCHARGES

PREBOOKED HIRE £1.00

COMMENCING AT ABERDEEN RAILWAY STATION £1.00

DROP OFF CHARGE AT AIRPORT as per current barrier value according to local signage.

PICK-UP AT AIRPORT as per current barrier value according to local signage, chargeable from time of booking.

AIRPORT TAXIS as per current barrier value charged to the driver by airport authority's

FOULING A TAXI CARRIES A SURCHARGE OF £100 FOR EACH INCEDENT.

LICENSING COMMITTEE INFORMATION SHEET

04 December 2024

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: HUNTER CONSTRUCTION (ABERDEEN) LTD

AGENT: NONE

ADDRESS: COOPER'S COURT, DUNBAR STREET, ABERDEEN

INFORMATION NOTE

- Application Submitted 17/07/2024
- Determination Date 16/07/2025

This application was deferred from the 09 October 2024 Licensing Committee. The HMO licence application is on the agenda of the Licensing Committee for the reason that 1 representation/objection letter was submitted to the HMO Team.

If, after consideration of the representation/objection, the Committee is minded to grant the HMO 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 Cooper's Court, Dunbar Street, Aberdeen, is the subject of this new HMO licence application and its accommodation is purpose built student accommodation comprising 65 bedrooms with access to shared kitchen, living room and bathroom facilities throughout the building. The applicant wishes to accommodate a maximum of 59 tenants, which is acceptable to the HMO Team in terms of space and layout. The location of the premises is shown on the plan attached as Appendix A.

CONSULTEES

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

REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- One objection letter from Jonathan Tyrens (Attached as Appendix B)
- One representation from Hunter Construction (Aberdeen) Limited (Attached as Appendix C)
- The objection was received within the statutory time period therefore the Council must consider.

COMMITTEE GUIDELINES/POLICY

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

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

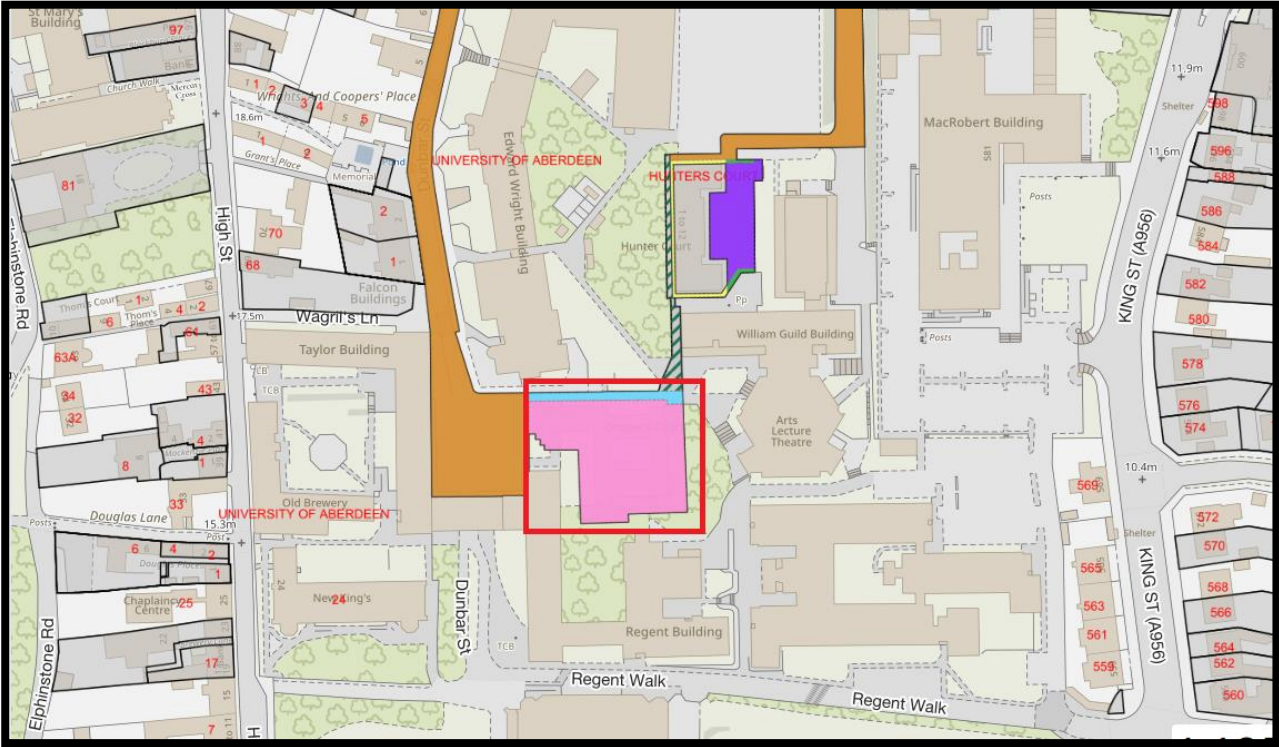
GROUNDINGS FOR REFUSAL

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

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

OTHER CONSIDERATIONS

- The applicant is as a landlord with this Council and their registration does include Cooper's Court, Dunbar Street.
- The Council's Community Safety Team has no record of complaints regarding Cooper's Court, Dunbar Street.
- There are currently two other HMO licensed properties at No.8 and No.61 Dunbar Street.
- The application under consideration is a renewal application and the properties 6th renewal application.



Statement to consider before HMO licence renewal of Cooper's Court, Aberdeen, AB24 3XY.

I have various concerns regarding the management and maintenance of the property. These issues should certainly be considered and addressed before further automatic renewal of an HMO licence is granted. It may be that the property would be better managed under the University of Aberdeen given its on-campus location.

There have been issues with overcrowding, facilities not working and not being repaired timely or at all, health and safety / fire safety oversights, staff not following the regulations set out in their own tenancy document in terms of the rights of tenants, lack of suitable cleanliness and this is not an exhaustive list. Please see further information below in my regular complaints to the management of the property / company.

Complaints to landlord/landlord's representative (emails)

13/09/22

Please would you advise on when flats are to be heated. It has been uncomfortably cool in rooms, especially in the evening, recently.

I trust, also, that staff will not normally enter the flat without 24hrs prior notice to tenants. A member of staff visited the flat yesterday without prior notice.

12/10/22

I'd like to complain about noise disturbance yesterday evening around 7 pm from the flat upstairs. There was loud talking and also some sort of argument (female voices) coming from the area above my room it seemed. This went on for some time and no doubt disturbed other residents too. Perhaps you could send a reminder to residents about being more considerate towards other residents, and this could include the closing of doors too.

I notice that the stairwells were cleaned yesterday, but we do not seem to have our flat cleaned since my tenancy began, at least. Section 42 of the contract states that a 'cleaning service will be provided on a once per month basis...; you should take steps to clear away any dishes and rubbish from the kitchen before cleaning can commence'. Could you advise on when cleaning is to be expected please?

12/10/22

I would be grateful if you would ask the resident of room [REDACTED] not to use the communal areas of the flat for his regular guests. This is inconsiderate.

13/10/22

I would like to complain further about the resident of room [REDACTED] [REDACTED] is inconsiderate and disrespectful, and I found this last night in the kitchen. I would appreciate it if you would speak to [REDACTED] about being more respectful and considerate towards other residents. [REDACTED] also keeps a large cardboard box outside [REDACTED] room which could pose a fire risk. Perhaps you would mention this too.

14/10/22

I would like to express my dissatisfaction at the continued use of the flat by non-residents, especially use of communal facilities. Recently the tenant of room ■ has had non-residents stay over in the flat, without having the courtesy of asking other residents in advance. It is unacceptable and inconsiderate for non-residents to use resources that tenants are paying for. I am not prepared to pay rent to provide facilities for non-residents. Already the flat is overdue for cleaning and this appears to be in breach of the tenancy agreement. I still await your reply about when cleaning is scheduled.

16/10/22

I would like to complain further about disturbance in the flat. The resident of room ■ had more guests overnight. The use of resources by non-residents is inconsiderate to other tenants and is also prohibited in the tenancy agreement. There was quite a lot of door-clashing this morning too disturbing other residents. I would appreciate it if you would speak to the resident of room ■ to ensure that ■ is more considerate of other tenants.

29/10/22

I would like to express my dissatisfaction with the levels of cleanliness in the communal areas of the flat. Please would you ask residents to be more considerate in the kitchen and shower rooms in particular. There are often dishes left in the sink, for example, and toiletries taking up space around the washbasin. I am not prepared to clean up after others; rather I will leave areas tidy for others to use after I have used them. Perhaps you would convey this to other residents. I also think there could be more suitable provision for recycling in the property.

08/11/22

Thank you for your message. I am away on a research visit to Oxford at the moment.

I raised some issues/complaints in emails to the property manager in recent weeks but none has been acknowledged or responded to. I would be grateful if you would follow up with this.

25/11/22

I have paid £600 and £250 deposit already and there have been issues with aspects of the accommodation that I felt were not addressed.

On that matter, I have been in touch with my MSP Mr Stewart, who has been helpful, and I am disappointed to learn that it is suggested that you feel that my complaints have been dealt with. I do not feel this is entirely the case; the property manager ignored all emails I sent. I would also be grateful if you would respond to the points made more substantially and specifically. I outlined to Mr Stewart the issues raised in each email sent to the property manager. There have been, for example, non-residents using the resources paid for by tenants, and this is clearly prohibited in the tenancy agreement, not to mention inconsiderate. I have asked for clarification on the cleaning schedule, too, as this was delayed in October, but this has not been forthcoming either.

On behalf of all tenants, and I am sure that you are aware of this, but I would like to remind you, the Scottish Government has introduced recent legislation to protect tenants further during the challenging winter period this year. See, for instance, the advice provided on Shelter Scotland's website [The eviction ban - check your rights - Shelter Scotland](#). I mention this now as I was concerned that tenants' rights were overlooked during the initial period of my tenancy in terms of the landlord/landlord's representative entering the property without providing notice to residents, notice which is clearly stated as necessary in your own tenancy document. I wrote to Mr Stewart

MSP on this matter, and I believe he has been in contact with you about this. I do not think you have yet responded to the Member of the Scottish Parliament on the matter.

03/04/23

I have found that the oven still overheats according to settings recommended on packaging and melts the packaging (M&S meals for example). I have not encountered this elsewhere. Perhaps you could have the oven rechecked.

12/04/23

I have found that the oven still overheats according to settings recommended on packaging and melts the packaging. I have not encountered this elsewhere. Perhaps you could have the oven rechecked. This could be a health and safety risk.

23/05/23

I find your intimidation / harassment unacceptable. I have previously stated my current position regarding accommodation charges and available funds. I will make an affordable payment at the end of each month. Please respect the rights of tenants on all matters. Mr Stewart MSP has advised me to report to the police should I feel that I am being harassed or intimidated in any way.

05/07/23

I would like to refer to some housekeeping/maintenance issues:

- flat does not appear to have been cleaned during June
- tap in kitchen loose
- toilet cistern requires attention; drainage of sink and shower poor in one bathroom
- overflow from flat upstairs has a constant/regular flow into the courtyard area
- there was no fire alarm testing this week as usually scheduled on Tuesday.

10/07/23

Further to the plumbing issue point, the tap, whilst attended to, appears to be still loose. The cistern issue drawn to your attention, has also not been resolved.

12/07/23

Thank you for your message. Whilst this may be the case, the tap, for example, remains loose.

18/08/23

I take issue with your suggestion that I have not 'engaged meaningfully' over the past few months. I have responded frequently to your messages. I would also like to point out that I have found the tone of some of your messages to be intimidating, and I have previously pointed this out to you. Mr Stewart MSP advised me to report all efforts to intimidate to Police Scotland.

You make efforts to point out my obligations as a resident, however I feel that tenants' rights have been frequently overlooked by the 'landlord' / 'landlord's representatives'. Recently, there was a change of tenant next to my room and there was no prior notification given about cleaning staff and the property manager visiting the flat. There was only notice provided for the glazier. There was significant disturbance throughout the day from the cleaning of room F and there was a repugnant smell emanating from the room. This continues to affect the communal hallway of the flat.

The cleaning, scheduled in the tenancy document as monthly, is very irregular. The flat is overdue for cleaning and I would suggest that it is unreasonable to let rooms to new tenants, too, when the communal areas have not been cleaned. I play my part in trying to keep areas clean; others do not.

There is also the ongoing issue of ineffective plumbing, and this is despite a plumber attending several times. The toilet cistern issue remains, and the kitchen tap that has been fixed twice now drips, although it appears not to be loose at the base at the moment.

21/08/23

Please note that the kitchen tap continues to drip, the toilet cistern is not fixed and the ventilation in the shower room requires attention.

21/08/23

I restate that the kitchen tap drips and that the toilet cistern is not fixed. The extractor fan in the shower room requires attention - appears stuck. Many of the appliances in the kitchen, including the oven that continues to overheat, are overdue for testing and checking. This is an obligation of the landlord under health and safety regulations.

29/08/23

I would like to complain further about ongoing issues with the flat (█ Cooper's Court, AB24 3XY):

- there is currently no hot water and this has been the case for the past 12 hours or so;
- plumbing issues remain, with the kitchen tap dripping and loose again from the base;
- the toilet cistern remains problematic;
- the sink in the shower room does not drain properly;
- there is significant black mould in the shower, exacerbated by the extractor fan having been unchecked and inoperative for some time;
- cleaning of the communal areas, scheduled in the tenancy document as monthly, has not taken place for some time - probably two months;
- lack of cleaning has caused issues such as a recent maggot infestation in the kitchen;
- 24 hour notice for visits of staff has not been consistently provided;
- some disturbance from residents in the building (seemingly building contractors) over the summer period and not affiliated to the university, smoking (incl. cannabis) in the courtyard area;
- checks to electrical appliances were significantly overdue and have only just been completed, yet the oven continues to overheat for the settings;
- the freezer is problematic and there is frequent over-icing (every 2-3 days) causing the door to open without warning and defrosting food.

I remain disappointed that many issues already raised with you have been overlooked for some time or have not been addressed properly.

05/09/23

I would like to complain further about tenants' rights being overlooked by the landlord/property manager at Cooper's Court. Recently visits to the property occurred again without 24 hours notice. This has happened frequently over the course of several months. Furthermore, there remain ongoing maintenance issues, many of which have been reported to you several times but have not been resolved. Plumbing remains problematic and it is not the responsibility of tenants to resolve these, as you have attempted to suggest previously. These plumbing issues have also been reported to Aberdeen City Council. Lack of cleaning of communal areas is unacceptable and is not as scheduled in the tenancy agreement. It is particularly unreasonable to introduce new tenants to a flat where it has not been cleaned for months. I noticed that the flat was not sufficiently clean when I moved in. The fire alarm was triggered recently and it is not clear why this was. It was noticed, however, that the alarm in my room was not sounding and I mentioned this to the maintenance team. I am not aware of whether this has been followed up or not. The internet connection is of very poor quality and is particularly intermittent at times. I would also like to request an update on the structural engineering of the building and its safety, particularly in light of recent reports about RAAC. The building appears to contain significant amounts of concrete and seems to be of the age similar to buildings reported with issues. I would like to request reassurance about the structural safety of the building and information about when this was tested. Given your hitherto nonchalance regarding health and safety matters (e.g. electrical testing overdue and oven overheating) I have reason not to feel confident about the standards in the building. Finally, I would like to report that the intercom does not appear to work for the flat. This could be a security issue and given that this is often a concern for residents, it would be appreciated if this could be looked into.

07/09/23

I would like to complain about regular noise disturbance from the resident in room ■ who has recently moved into the flat. Music, loud-speaker conversations, online TV/ films are heard from the room especially, but not uniquely, during the quiet hours and this is disturbing the peace of other residents. I would appreciate it if you would contact the resident about this. Noise carries very easily in the flat/building.

13/09/23

I would like to complain about the lack of heating in the flat/ building which is making living conditions uncomfortable when the temperature drops. Last night the outside temperature fell to 3 or 4 degrees c. (3 degrees c. was recorded at Aberdeen Dyce weather station at 6am). Lack of heating affects humidity levels too, in bedrooms and also in the bathrooms which can encourage mould to develop (as was the case in one of the bathrooms). I have monitored the thermo - hygrometer in my room and it has regularly exceeded comfortable levels of humidity recently due to the lack of heating (ventilation when the exterior temperature is low or humidity levels high is not a solution). The lack of suitable heating can have an effect on the health of residents, too. I have raised concerns several times previously about the lack of heating.

Tenants' rights have been overlooked on a number of occasions with regards to providing 24 hrs notice before the landlord or landlord's representative(s) visits the property. Only recently I have observed that this occurred on the 16/8/23, 17/8/23, the 28/8/23 and also when a tenant moved in last week. You seem to refer to this as 'petty' in your correspondence, but I am afraid that it is not for you to decide what the rights of tenants should be, which should be upheld and which should be overlooked. It is not for you to decide either what is indeed lawful or not. I have previously expressed my concerns about a sense of harassment in your email correspondence.

Internet connectivity issues continue, and this is supported by at least one other resident I have spoken to recently. Plumbing issues are also ongoing with issues that should be simple to resolve (dripping taps, washbasin not draining). It is not, as you have seemed to suggest, the responsibility of tenants to resolve plumbing issues themselves.

I requested information about the health and safety report / structural safety report for the building but you have not yet provided this information. I am not aware of a gas safety certificate either, so perhaps you would be able to reassure with this too.

28/10/23

I would like to complain about ongoing plumbing issues in the flat. As previously reported there are issues with drainage, taps and I have also noticed that there is a temperature regulation issue with one of the showers. I have reported plumbing issues to Aberdeen City Council who have tried to liaise with you to remedy the problems too, but the fact is that you have not resolved the plumbing issues. I have been advised that I may make an application to the Housing and Property Chamber First Tier Tribunal about repairs that remain unresolved. There has also been a problem with the lock on the main door recently and I think this requires ongoing attention. Cleaning appears to be irregular and it is still the case that correct notice is not being given before property visits by representatives. For example, a notice was recently provided about forthcoming cleaning but it does not indicate the day this is to be expected. It is unacceptable simply to provide notification that cleaning will take place at some point over a period of days/weeks. Rubbish accumulates regularly in the kitchen too and this poses an environmental health risk. For the avoidance of doubt, I use my own bin, but other residents should be removing rubbish more regularly. In addition, there is significant clutter in the hallway (cardboard boxes etc.). Given that this is a potential fire hazard, residents should be asked to remove this without delay. There was significant disturbance from a flat above one night this week with some shouting and what appeared to be an argument. Perhaps a letter could be sent reminding residents of their obligations regarding disturbance of the peace particularly during, but not limited to, the quiet hours.

Thank you for your cooperation.

31/10/23

Please would you ask other residents to remove their belongings from the hallway. There are still items cluttering the hallway such as collections of shoes and this is a trip hazard as well as a potential fire safety hazard, not to mention making it difficult to clean.

Thank you for your cooperation.

02/11/23

I would like to complain about significant disturbance last night and today from above, either a flat or staircase. There was a lot of shouting last night around 2.30am, and this woke me and no doubt affected other residents. Then this morning around 11.20am there were several bouts of screaming, seemingly a female voice. There is clearly no consideration for other residents by some tenants, or their guests. I would be grateful if you would remind residents of their obligations under disturbance of the peace regulations.

There continues to be corridor clutter. If we have been asked to clear the corridor on the grounds of fire safety as per email last week, then this applies to all residents. I have previously informed you that one or more residents are not complying and I mention it again here. On top of this, plumbing inefficiencies continue, but I have already made you aware of this and of Aberdeen City Council's advice to me for the next stage, if necessary. I reported in a previous email at some point about the fire alarm not appearing to operate in my room. Whilst I hear the alarm when tested from the corridor (testing can be irregular), the alarm unit does not appear to sound in my room. If this is a fire safety matter, I imagine that it ought to be followed up.

Thank you for your cooperation.

03/11/23

Thank you for your reply. The shower temperature is problematic in the shower room with the window.

14/11/23

I would like to complain about the lack of cleanliness in the communal areas of the flat. It is unacceptable, I feel, and could be an environmental health risk. There are several pairs of shoes still cluttering the hallway and emergency pathway. Whilst you have been dismissive of this previously, residents were asked to clear items from the hallway on fire safety grounds. This should apply to all residents, and should all residents leave their collections of shoes in the hallway there could potentially be 20+ pairs hindering an emergency pathway. There has also been noise disturbance again from a flat above, most disrespectfully, too, on Armistice Day in the evening. Plumbing issues have still not been properly resolved with the kitchen tap continuously dripping.

22/11/23

Your recent email was found in my spam folder. I have responded previously to similar questions and do not intend to repeat all answers. I have also requested that emails that seek to intimidate by making demands that tenants pay more than is affordable, cease. Such emails would be deemed harassment and I have been advised to report such emails to the police.

13/12/23

I would like to complain about the resident in room [REDACTED] who appears to have a long-term guest staying. The person staying seems to have been here for several weeks and it has been noticeable that the visitor is/has been unwell with long bouts of coughing. Whilst it is unfair on other residents to have others using the flat as a hotel for their guests who use the communal facilities, there could also be potential welfare issues. The person seems to be of a similar religious/ethnic background, [REDACTED]. I have found the behaviour of the [REDACTED] resident in room [REDACTED] to be increasingly inconsiderate. I have asked [REDACTED] to clean up after using the kitchen for cooking, but little has changed, and only yesterday I found [REDACTED] confrontational when I turned off the kitchen tap that I thought [REDACTED] had forgotten to stop - [REDACTED] had left it running and went back to [REDACTED] room for a while. When I asked why [REDACTED] was leaving the tap running [REDACTED] arrogant answer was that it's 'for cleaning and, it's okay, there is too much water'.

14/04/24

I wish to complain about the resident of room [REDACTED] who appears to have a long-term additional resident staying in the room. The additional resident appears to be female and is left in the room for many hours whilst the usual resident leaves. Beyond the fact that this additional person would be using the facilities for residents, there may be welfare issues to consider - there have been some loud conversations from the room, too. The resident of room [REDACTED] also leaves the kitchen untidy after use and it would be appreciated if this could also be pointed out to [REDACTED].

18/05/24

Dear Mr Oakley,

I have spoken to Police Scotland this evening to discuss a pattern of intimidating behaviour by the resident of room [REDACTED] in my flat (believed to be an [REDACTED]). Recently, [REDACTED] behaviour became more concerning to me and I believe I am being targeted in particular. [REDACTED] has been confrontational in the past when asked to clear up after using the kitchen, but I have not spoken to [REDACTED] for some time since. Nevertheless, [REDACTED] behaviour is sometimes of concern and this has been noticeable this month. Recently [REDACTED] threw the broom down the corridor, slammed doors, I believe intentionally, and only the other day mimicked spitting at me as I walked past in the corridor. This is unwanted behaviour, and it feels threatening. I thought it would be best to pass this on to you and the property manager to deal with initially to see whether there may be concerns more broadly.

Thank you for your cooperation.

23/06/24

I wish to express further dissatisfaction regarding the behaviour of the resident in room [REDACTED]. This morning there was loud clashing of doors (intentional I would suggest) and [REDACTED] has also been going into the cupboards I use in the kitchen. Today [REDACTED] placed the strainer from the kitchen sink with remnants of food items into my bowl in the cupboard. [REDACTED] regularly leaves the kitchen and other communal areas unsuitable for use by other residents and this is unacceptable. I have already reported some of [REDACTED] intimidatory behaviour towards me - such as mimicking spitting at me in the corridor - to Police Scotland. I would be grateful if you would contact [REDACTED] further about this recent inconsiderate behaviour.

Thank you for your cooperation.

25/06/24

I would like to express further concerns about the resident of room [REDACTED] who has become increasingly threatening. This is unacceptable, and [REDACTED] continues to leave communal facilities, such as the kitchen sink unusable for other residents (see photo attached). [REDACTED] leaves the building without tidying away [REDACTED] belongings or washing up. When challenged [REDACTED] becomes immediately threatening - [REDACTED] suggests that [REDACTED] is 'warning me'. I take that as threatening behaviour and I have informed [REDACTED] that I will be reporting intimidation/ harassment to Police Scotland. Perhaps you wish to reinforce the message about [REDACTED] obligations as a resident, especially in accommodation with communal facilities.

Thank you for your cooperation.

Document created by Jonathan Tyrens 27/07/2024

[REDACTED]

[REDACTED]



10 September 2024

Aberdeen City Council
Marischal College
Broad Street
Aberdeen AB10 1AB

Dear Sir/Madam

**PART 5 OF HOUSING SCOTLAND ACT 2006
APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION (HMO)
PREMISES: COOPERS COURT, DUNBAR STREET, ABERDEEN
LICENSING COMMITTEE: WEDNESDAY 9 OCTOBER 2024**

We are surprised that Mr Tyrens has chosen to lodge an objection to our application for renewal. Mr Tyrens took up residency with us on 10/09/22 for what was originally a 12-week contract. A copy of this is **available**. He paid half the cost of that accommodation in advance (£600 for 6 weeks). Since that initial payment he quickly fell into rent arrears. Since March 2023 he has been paying the sum of £1 per month which he considers to be an affordable payment. Hunter have not agreed to this and have informed him of our concerns and that he should discuss and agree with us a credible payment plan. This is also the advice of all agencies that provide advice for tenants (Shelter Scotland, Scotgov, Citizens Advice et al).

As at 02/09/24 he is currently due us rent in the sum of £9681 which is continuing to accrue on a weekly basis at a rate of £100.

His accusations of overcrowding are entirely without foundation.

We have subsequently discovered that nonpayment of creditors is seemingly a lifestyle choice for Mr Tyrens. We understand that he is a qualified teacher but in the last few years embarked on a PhD course as a research student attached to University of Aberdeen. We understand that he is no longer considered a research student at the University of Aberdeen (information passed to us by Police Scotland).

We have tried to assist Mr Tyrens with his indebtedness, but he refuses to engage with us meaningfully. We have offered mediation, but he still steadfastly refuses this reasonable suggestion. It is a notable pattern that when we send his rental statement to him monthly, he often replies with lists of complaints as if to deflect from his obligations.

The company, reluctantly, had no option but to raise two actions in the Sherriff Court of Aberdeen. One for Mr Tyren's eviction. This was based on a notice to terminate the occupancy agreement being issued and Mr Tyren's failure to vacate. The second action is for and recovery of the considerable rent arrears. Mr Tyrens had himself stated on more than one occasion that we would have to evict him and that he has experience of this.

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Aberdeen Sheriff Court granted an order for both eviction and payment against Mr Tyrens. However, Mr Tyrens has lodged an appeal in respect of both decisions. This appears to be a delay tactic to prevent us from evicting him from the property.

We do know that Mr Tyrens has faced eviction proceedings previously and attempts to recover monies due by him to several creditors. This is despite Mr Tyrens apparently working providing tutoring services from the property (in contravention of his Occupancy agreement). His court productions list several accommodation providers that are owed considerable sums of money including University of Aberdeen. Mr Tyrens is seemingly habitual in accumulating debt and takes on accommodation leases that he seemingly cannot afford. We understand that Mr Tyrens owns a 3-bedroom house in County Durham and has no reason to stay in Aberdeen since he is no longer considered a student at the University and clearly has alternative accommodation.

This is rather unique in the 3 decades of providing accommodation that we have ever had to evict a tenant. We understand that sometimes students do get into financial difficulty but find that, without exception, they are happy to agree affordable payment plans with us.

We believe that Mr Tyrens seeks to damage our business and cause undue stress to our hard-working staff by lodging this vexatious and defamatory objection. This appears to be in defiance of the court actions that we have had to raise against him as stated above.

The court action has been frustrated by his apparent refusal to seek representation or to turn up for hearings. However, this is now approaching the point where he will be evicted shortly as his appeal has minimal chance of success.

Mr Tyrens has caused distress to me and our staff since he moved into Flat 9 with frivolous, vexatious, and unfounded complaints. He has also been a very poor neighbour to his fellow flat mates. Some have asked to move from the Flat due to his behaviour and we have had to relocate one student who Mr Tyrens was causing considerable distress to. Mr Tyrens now resides in the flat alone because we simply do not want to place other tenants beside him. This is not acceptable for us going forward.

I have addressed each of the complaints he has made under each section in blue font and within a border for clarity. Copies of relevant correspondence are included in the Appendix for context.

Yours faithfully
Hunter Construction (Aberdeen) Limited R&DBS



Mark Oakley MCIQB FIHE
Managing Director



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(Our answers are in blue and in text boxes)

Statement to consider before HMO licence renewal of Cooper's Court, Aberdeen, AB24 3XY.

I have various concerns regarding the management and maintenance of the property. These issues should certainly be considered and addressed before further automatic renewal of an HMO licence is granted. It may be that the property would be better managed under the University of Aberdeen given its on-campus location.

There have been issues with overcrowding, facilities not working and not being repaired timely or at all, health and safety ! fire safety oversights, staff not following the regulations set out in their own tenancy document in terms of the rights of tenants, lack of suitable cleanliness and this is not an exhaustive list. Please see further information below in my regular complaints to the management of the property ! company.

We refute the suggestion that there are any issues with overcrowding. Each room in a flat is leased to one person only and contains only one bed. There are adequate shower and toilet facilities for the occupancy of the flats.

Mr Tyrens has been the only person in the flat to complain of the facilities not working or not being repaired. Minor maintenance issues have been addressed and inspected by Aberdeen City Council HMO office. We have regular tradespeople that are employed to take care of any maintenance issues that inevitably occur in all properties.

Tenants are required to keep the flats clean themselves and the other tenants did organize a cleaning rota, however Mr Tyrens refused to join this. We carry out a 'sparkle clean' once per month, however this is only to clean communal areas thoroughly and does not replace regular cleaning expected by tenants, as explained in the Occupancy Agreement.

We refute all his unsubstantiated allegations around Health and Safety/Fire safety.

Complaints to landlord/landlord's representative (emails)

13/09/22

Please would you advise on when flats are to be heated. It has been uncomfortably cool in rooms, especially in the evening, recently.

I trust, also, that staff will not normally enter the flat without 24hrs prior notice to tenants. A member of staff visited the flat yesterday without prior notice.

The flats are comfortably heated. The building is connected to the University district heating system to fill radiators and provide hot water. The system is working as it should.

Residents, when moving into the accommodation are informed that there would be new tenants joining them at various points during that week. We like to show them into the flat, point out the facilities, carry out a full induction and provide their keys. It is not always possible to give precise arrival times and 24 hours' notice due to changes to our students travel plans (many of our tenants are from overseas). We asked for understanding regarding this and received no complaints from anyone except Mr Tyrens. The alternative would be to refuse entry to a student, who might have travelled from afar, and make them wait 24 hours to take up their rooms. Most students are happy to welcome their new flat mates but apparently not Mr Tyrens

12/10/22

I'd like to complain about noise disturbance yesterday evening around 7 pm from the flat upstairs. There was loud talking and also some sort of argument (female voices) coming from the area above my room it seemed. This went on for some time and no doubt disturbed other residents too. Perhaps you could send a reminder to residents about being more considerate towards other residents, and this could include the closing of doors too.

We have a 24-hour phone number for tenants to contact us if there is disturbance and residential assistants are available. Any disturbances can be dealt with at the time. We investigated this and found that it was not an argument and that the tenants were simply elated having passed an assessment. Mr Tyrens has been known throughout his tenancy to make unfounded complaints of which this is an example. No other tenant complained.

Our building is occupied by generally younger people (mostly under 30) and a degree of exuberance is to be expected. That said, it is rare that tenants complain of excessive noise from other flats.

I notice that the stairwells were cleaned yesterday, but we do not seem to have our flat cleaned since my tenancy began, at least. Section 42 of the contract states that a 'cleaning service will be provided on a once per month basis...; you should take steps to clear away any dishes and rubbish from the kitchen before cleaning can commence'. Could you advise on when cleaning is to be expected please?

We offer a 'sparkle clean' service once per month. Due to staff availability, it does not always fall on the same day each month. This does not replace the obligation of the tenants to keep the flat tidy on a daily basis. Most flats set up a rota amongst themselves for this. Mr Tyrens refused to join this. The clean has been carried out each month with a deep clean carried out in the summer break when occupancy is low.

12/10/22

I would be grateful if you would ask the resident of room [REDACTED] not to use the communal areas of the flat for his regular guests. This is inconsiderate.

Tenants are allowed to have friends visit the flats if they are responsible for their behaviour. This gathering was a group of 3 students that had got together in the lounge at lunchtime for a study group. They were not causing any disturbance and the group stayed for less than an hour.

13/10/22

I would like to complain further about the resident of room [REDACTED] [REDACTED] is inconsiderate and disrespectful, and I found this last night in the kitchen. I would appreciate it if you would speak to [REDACTED] about being more respectful and considerate towards other residents. [REDACTED] also keeps a large cardboard box outside [REDACTED] room which could pose a fire risk. Perhaps you would mention this too.

2

We did speak to the tenant, and [REDACTED] removed the box. [REDACTED] also wrote to us regarding Mr Tyrens unusually hostile behaviour towards [REDACTED] and the other tenants in the flat.

14/10/22

I would like to express my dissatisfaction at the continued use of the flat by non-residents, especially use of communal facilities. Recently the tenant of room [REDACTED] has had non-residents stay over in the flat, without having the courtesy of asking other residents in advance. It is unacceptable and inconsiderate for non-residents to use resources that tenants are paying for. I am not prepared to pay rent to provide facilities for non-residents. Already the flat is overdue for cleaning and this appears to be in breach of the tenancy agreement. I still await your reply about when cleaning is scheduled.

Tenants are allowed to have guests for a few nights. Mr Tyrens had been particularly unfriendly to his flat mate and the flatmate had cause to write to us complaining of Mr Tyrens unreasonable behaviour. The tenant had been living in Coopers Court for the past 2 years and is of exemplary behaviour.

A sparkle clean was already notified for the 17th October 2022.

16/10/22

I would like to complain further about disturbance in the flat. The resident of room [REDACTED] had more guests overnight. The use of resources by non-residents is inconsiderate to other tenants and is also prohibited in the tenancy agreement. There was quite a lot of door-clashing this morning too disturbing other residents. I would appreciate it if you would speak to the resident of room [REDACTED] to ensure that [REDACTED] is more considerate of other tenants.

Mr Tyrens was informed to report disturbances as and when they happen so that we can deal with them at the time. It is difficult to do this the day after. Tenants are allowed to have guests overnight as per the occupancy agreement.

It should be noted that Coopers Court is designed for independent living. We cannot intervene in arguments between students unless there is damage or disturbance. With hindsight this was an example of Mr Tyrens unreasonable behaviour towards his flat mates. We received complaints regarding Mr Tyrens behaviour around this time.

29/10/22

I would like to express my dissatisfaction with the levels of cleanliness in the communal areas of the flat. Please would you ask residents to be more considerate in the kitchen and shower rooms in particular. There are often dishes left in the sink, for example, and toiletries taking up space around the washbasin. I am not prepared to clean up after others; rather I will leave areas tidy for others to use after I have used them. Perhaps you would convey this to other residents. I also think there could be more suitable provision for recycling in the property.

The students in the flat had organized a cleaning Rota which Mr Tyrens refused to join. We cannot provide pastoral care to groups of predominantly young people who may be reluctant to do dishes.

08/11/22

Thank you for your message. I am away on a research visit to Oxford at the moment.

I raised some issues/ complaints in emails to the property manager in recent weeks, but none has been acknowledged or responded to. I would be grateful if you would follow up with this.

Our property manager had addressed the issues on which she could reasonably intervene.

We refute the suggestion that complaints were not acknowledged or responded to. Our property manager also wrote to HMO office to explain what action she had taken to address the complaint Mr Tyrens had made to them.

His complaints were concerning....

Heating of the building: The arrangements for heating had been explained to Mr Tyrens.

Cleaning of the communal areas: The 'sparkle clean' and the obligation for tenants to clean the communal areas of flat were explained.

Lack of response to complaints: We refute that his complaints were not responded to

Access notice: 24 hours' notice was given except for urgent matters

25/11/22

I have paid £600 and £250 deposit already and there have been issues with aspects of the accommodation that I felt were not addressed.

On that matter, I have been in touch with my MSP Mr Stewart, who has been helpful, and I am disappointed to learn that it is suggested that you feel that my complaints have been dealt with. I do not feel this is entirely the case; the property manager ignored all emails I sent. I would also be grateful if you would respond to the points made more substantially and specifically. I outlined to Mr Stewart the issues raised in each email sent to the property manager. There have been, for example, non-residents using the resources paid for by tenants, and this is clearly prohibited in the tenancy agreement, not to mention inconsiderate. I have asked for clarification on the cleaning schedule, too, as this was delayed in October, but this has not been forthcoming either.

On behalf of all tenants, and I am sure that you are aware of this, but I would like to remind you, the Scottish Government has introduced recent legislation to protect tenants further during the challenging winter period this year. See, for instance, the advice provided on Shelter Scotland's website [The eviction ban - check your rights - Shelter Scotland](#). I mention this now as I was concerned that tenants' rights were overlooked during the initial period of my tenancy in terms of the landlord / landlord's representative entering the property without providing notice to residents, notice which is clearly stated as necessary in your own tenancy document. I wrote to Mr Stewart MSP on this matter, and I believe he has been in contact with you about this. I do not think you have yet responded to the Member of the Scottish Parliament on the matter.

We have spoken to Mr Stewart MSP on several occasions regarding Mr Tyrens allegations and behaviour. Mr Stewart has been most helpful to us too.

My reply to Mr Tyrens is included in the appendix along with an email from Mr Stewart MSP confirming his statement that "I do not feel as though you have been acting unreasonably"

Emails dated 06/12/22 and 12/12/22

We did respond to the MSP in a timely manner and refute the suggestion that we did not do so without any evidence to the contrary

03/04/23

I have found that the oven still overheats according to settings recommended on packaging and melts the packaging (M&S meals for example). I have not encountered this elsewhere. Perhaps you could have the oven rechecked.

Unsurprisingly, nobody else in the flat had complained of this issue. We had the oven checked and it was working correctly. We tested the temperature and even cooked 2 pizzas in it to prove that the temperature was even throughout the oven. Anecdotally, it was surprising to us that Mr Tyrens can afford to buy his meals from a store that sells good quality food but does not have the reputation of being inexpensive. Mr Tyrens was, now, in arrears by around £2300. Whilst we would always expect tenants to prioritise buying food first, before paying rent, we are surprised at the extent of his spending which includes having the funds to run a car.

12/04/23

I have found that the oven still overheats according to settings recommended on packaging and melts the packaging. I have not encountered this elsewhere. Perhaps you could have the oven rechecked. This could be a health and safety risk.

The oven was working as it should and had been tested. No others ever complained about this.

23/05/23

I find your intimidation / harassment unacceptable. I have previously stated my current position regarding accommodation charges and available funds. I will make an affordable payment at the end of each month. Please respect the rights of tenants on all matters. Mr Stewart MSP has advised me to report to the police should I feel that I am being harassed or intimidated in any way.

We are required by law to point out clearly of a tenant's indebtedness.

I spoke to Police regarding his allegation and their advice was that it did not meet anywhere near the threshold of intimidation and harassment and was a civil matter that they would not be involved in.

I enclose my reply to him on that day.

Email dated 23/05/23

Mr Tyrens has used this threat many times to me and without any foundation or truth. I have been extremely patient with him. I have offered advice as I am required to do so and been clear about his failing to abide by the rules of the Occupancy agreement. It got to the stage where we had to commence action given the high level of arrears and failure to address this.

05/07/23

I would like to refer to some housekeeping/maintenance issues:

- flat does not appear to have been cleaned during June
- tap in kitchen loose
- toilet cistern requires attention; drainage of sink and shower poor in one bathroom
- overflow from flat upstairs has a constant/ regular flow into the courtyard area
- there was no fire alarm testing this week as usually scheduled on Tuesday.

We normally carry out deep clean instead of 'sparkle cleaning' during summer months which allows us to carry out refurbishment and maintenance. We did offer to carry out refurbishment of the kitchen of Flat 9 however this would require Mr Tyrens to move to another room for a short period which he refused to do.

The tap was slightly loose however there was no risk of it causing any problems. The flat has 2 kitchen sinks therefore there was no lack of facilities

We looked at the cistern and the sink drainage and found there to be no issues.

We regularly test the fire alarm (same day and time each week) however the test was not done that week due to an emergency (a student in distress) being dealt with by staff in another building. For obvious reasons, it is not advisable to test the alarm at another time which would cause confusion.

10/07/23

Further to the plumbing issue point, the tap, whilst attended to, appears to be still loose. The cistern issue drawn to your attention, has also not been resolved.

12/07/23

Thank you for your message. Whilst this may be the case, the tap, for example, remains loose.

The second kitchen tap was proving difficult to repair and our preference was to replace the whole kitchen sink units. Mr Tyrens refused to take up the offer of staying in another room for a short period while this was done so this was not possible. The tap still worked and produced hot and cold water.

18/08/23

I take issue with your suggestion that I have not 'engaged meaningfully' over the past few months. I have responded frequently to your messages. I would also like to point out that I have found the tone of some of your messages to be intimidating, and I have previously pointed this out to you. Mr Stewart MSP advised me to report all efforts to intimidate to Police Scotland.

You make efforts to point out my obligations as a resident, however I feel that tenants' rights have been frequently overlooked by the 'landlord' / 'landlord's representatives'. Recently, there was a change of tenant next to my room and there was no prior notification given about cleaning staff and the property manager visiting the flat. There was only notice provided for the glazier. There was significant disturbance throughout the day from the cleaning of room F and there was a repugnant smell emanating from the room. This continues to affect the communal hallway of the flat.

The cleaning, scheduled in the tenancy document as monthly, is very irregular. The flat is overdue for cleaning and I would suggest that it is unreasonable to let rooms to new tenants, too, when the communal areas have not been cleaned. I play my part in trying to keep areas clean; others do not.

There is also the ongoing issue of ineffective plumbing, and this is despite a plumber attending several times. The toilet cistern issue remains, and the kitchen tap that has been fixed twice now drips, although it appears not to be loose at the base at the moment.

We refute these allegations. Proper notice was given for maintenance visits, by email, at least 24 hours prior to as per the Occupancy agreement. A deep clean was carried out on the 11th of July.

There has been no 'threatening tone' in any of my emails and this allegation has been discussed with Mr Stewart MSP. Mr Tyrens chooses to vilify myself by making false accusations to further his own agenda and cause distress.

21/08/23

Please note that the kitchen tap continues to drip, the toilet cistern is not fixed and the ventilation in the shower room requires attention.

We refute that this was an issue, and it is the first time that the ventilation has been raised as an issue.

21/08/23

I restate that the kitchen tap drips and that the toilet cistern is not fixed. The extractor fan in the shower room requires attention - appears stuck. Many of the appliances in the kitchen, including the oven that continues to overheat, are overdue for testing and checking. This is an obligation of the landlord under health and safety regulations.

We thanked Mr Tyrens for notifying us of the issue with the extractor fan. It is a pity he had not reported it earlier. We immediately ordered a new unit, and the issue was fixed within days

29/08/23

I would like to complain further about ongoing issues with the flat (■ Cooper's Court, AB24 3XY):

There was a breakdown at the University district heating facility, which caused an interruption beyond our control, however this was resolved very quickly by them, within a few hours, and not the 12 hours that he suggests.

-plumbing issues remain, with the kitchen tap dripping and loose again from the base;

We refute this.

-the toilet cistern remains problematic;

We refute this.

-the sink in the shower room does not drain properly;

We refute this.

-there is significant black mould in the shower, exacerbated by the extractor fan having been unchecked and inoperative for some time;

Mr Tyrens only reported the issue a week prior to this email and by this time the extractor had been replaced. We do rely on residents to report issues in a timely manner, but Mr Tyrens did not do this. In all reasonableness, we cannot do daily/weekly checks on extractor fans. The 'black mould' was mild discolouration of the seal around the shower base and was replaced.

-cleaning of the communal areas, scheduled in the tenancy document as monthly, has not taken place for some time - probably two months;

We refute this suggestion. Deep cleans were carried out regularly.

-lack of cleaning has caused issues such as a recent maggot infestation in the kitchen;

Tenants, including Mr Tyrens, had not emptied refuse bins in the kitchen, during warm weather, and this attracted flies. An infestation is rather exaggerating the issue however we did intervene to resolve this. We do not check the flats every few days and would expect it to be obvious to the students that not emptying refuse may cause this problem. Our flats are not assisted accommodation. Tenants were reminded of the rules around emptying bins. We provide bin bags and food waste bags in the laundry room free for the tenants to replace the bag in their accommodation in order to encourage regular changing of the bin in the accommodation.

24 hour notice for visits of staff has not been consistently provided;

We refute this suggestion. No examples of this have been provided.

-some disturbance from residents in the building (seemingly building contractors) over the summer period and not affiliated to the university, smoking (incl. cannabis) in the courtyard area;

This was not reported to us when it happened, and we have no way of policing this. We have no evidence or reports from others that this took place.

-checks to electrical appliances were significantly overdue and have only just been completed, yet the oven continues to overheat for the settings;

The oven is operating as it should. Mr Tyrens made complaints to HMO office that our electrical certification was out of date however this turned out to be a false allegation.

-the freezer is problematic and there is frequent over-icing (every 2-3 days) causing the door to open without warning and defrosting food.

Issues with freezers are usually caused by misuse by tenants (leaving doors open or having the setting too low). The fridge freezer was checked and found to be operating correctly. Aberdeen City Council HMO office will be able to confirm this.

I remain disappointed that many issues already raised with you have been overlooked for some time or have not been addressed properly.

05/09/23

I would like to complain further about tenants'rights being overlooked by the landlord/property manager at Cooper's Court. Recently visits to the property occurred again without 24 hours notice. This has happened frequently over the course of several months. Furthermore, there remain ongoing maintenance issues, many of which have been reported to you several times but have not been resolved. Plumbing remains problematic and it is not the responsibility of tenants to resolve these, as you have attempted to suggest previously. These plumbing issues have also been reported to Aberdeen City Council. Lack of cleaning of communal areas is unacceptable and is not as scheduled in the tenancy agreement. It is particularly unreasonable to introduce new tenants to a flat where it has not been cleaned for months. I noticed that the flat was not sufficiently clean when I moved in. The fire alarm was triggered recently and it is not clear why this was. It was noticed, however, that the alarm in my room was not sounding and I mentioned this to the maintenance team. I am not aware of whether this has been followed up or not. The internet connection is of very poor quality and is particularly intermittent at times. I would also like to request an update on the structural engineering of the building and its safety, particularly in light of recent reports about RAAC. The building appears to contain significant amounts of concrete and seems to be of the age similar to buildings reported with issues. I would like to request reassurance about the structural safety of the building and information about when this was tested. Given your hitherto nonchalance regarding health and safety matters (e.g. electrical testing overdue and oven overheating) I have reason not to feel confident about the standards in the building. Finally, I would like to report that the intercom does not appear to work for the flat. This could be a security issue and given that this is often a concern for residents, it would be appreciated if this could be looked into.

We refute that we have not given the proper notice period for visits. We do reserve the right to enter the property if we consider there is an emergency.

The issues reported to Aberdeen City Council were inspected by the HMO office and were found to be in order with no further follow up required. Aberdeen City Council were satisfied that the complaints were not valid and unfounded.

The fire alarm was triggered recently. They can be triggered by steam from shower rooms, toasters or sometimes (and against rules) vape devices. The fire detections system is operating correctly.

The internet is not of poor quality. It is provided by an external company and speeds are very good. We have not received complaints regarding this from others. There is a helpline if there are issues.

Regarding RAAC. We have had the building inspected by a firm of consulting Engineers with considerable experience of this issue. The building, from their investigations, does not have RAAC present.

It is objectionable that Mr Tyrens continues to provide defamatory comments regarding myself. He again refers to electrical safety certification which was not in fact overdue and the oven which has been tested.

07/09/23

I would like to complain about regular noise disturbance from the resident in room [redacted] who has recently moved into the flat. Music, loud-speaker conversations, online TV/ films are heard from the room especially, but not uniquely, during the quiet hours and this is disturbing the peace of other residents. I would appreciate it if you would contact the resident about this. Noise carries very easily in the flat/building.

We cannot be expected to police matters like this. The flats are for independent living. Residents need to have toleration of each other and report any disturbance when it happens so we can ask a residential assistant to visit or intervene.

13/09/23

I would like to complain about the lack of heating in the flat / building which is making living conditions uncomfortable when the temperature drops. Last night the outside temperature fell to 3 or 4 degrees c. (3 degrees c. was recorded at Aberdeen Dyce weather station at 6am). Lack of heating affects humidity levels too, in bedrooms and also in the bathrooms which can encourage mould to develop (as was the case in one of the bathrooms). I have monitored the therma - hygrometer in my room and it has regularly exceeded comfortable levels of humidity recently due to the lack of heating (ventilation when the exterior temperature is low or humidity levels high is not a solution). The lack of suitable heating can have an effect on the health of residents, too. I have raised concerns several times previously about the lack of heating.

The heating is operational and working as it should. Conversely, some residents say it is too warm sometimes. It has been noted on flat inspections that Mr Tyrens keeps a convector heater in his room. This contravenes the Occupancy Agreement and could be a fire hazard. We asked him to remove this but don't believe he has done so.

Tenants' rights have been overlooked on a number of occasions with regards to providing 24 hrs notice before the landlord or landlord's representative (s) visits the property. Only recently I have observed that this occurred on the 16/8/23, 17/8/23, the 28/8/23 and also when a tenant moved in last week. You seem to refer to this as 'petty' in your correspondence, but I am afraid that it is not for you to decide what the rights of tenants should be, which should be upheld and which should be overlooked. It is not for you to decide either what is indeed lawful or not. I have previously expressed my concerns about a sense of harassment in your email correspondence.

We refute this suggestion entirely. If we have had to effect access it has been due to an emergency. It is not for Mr Tyrens to decide what we regard as an urgent situation.

Internet connectivity issues continue, and this is supported by at least one other resident I have spoken to recently. Plumbing issues are also ongoing with issues that should be simple to resolve (dripping taps, washbasin not draining). It is not, as you have seemed to suggest, the responsibility of tenants to resolve plumbing issues themselves.

We have not received any complaints regarding internet connectivity but did raise it with the provider who tested the connections and found no faults.

We, at no time, suggested that residents should resolve plumbing issues. Mr Tyrens is referring to the requirement that residents do not allow the sinks to become blocked with hair and other detritus etc. This is, reasonably, a function of regular cleaning of the sinks by residents which Mr Tyrens apparently refused to do.

I requested information about the health and safety report / structural safety report for the building but you have not yet provided this information. I am not aware of a gas safety certificate either, so perhaps you would be able to reassure with this too.

I had written to Mr Tyrens and to Mr Stewart MSP regarding the inspection for RAAC. There is not any RAAC in the building. Structural engineers have confirmed that they do not see any evidence of this.

Mr Tyrens raises the matter of a Gas safety certificate. Since there is no gas supply to the building this would seem a rather unnecessary requirement.

28/10/23

I would like to complain about ongoing plumbing issues in the flat. As previously reported there are issues with drainage, taps and I have also noticed that there is a temperature regulation issue with one of the showers. I have reported plumbing issues to Aberdeen City Council who have tried to liaise with you to remedy the problems too, but the fact is that you have not resolved the plumbing issues. I have been advised that I may make an application to the Housing and Property Chamber First Tier Tribunal about repairs that remain unresolved. There has also been a problem with the lock on the main door recently and I think this requires ongoing attention. Cleaning appears to be irregular and it is still the case that correct notice is not being given before property visits by representatives. For example, a notice was recently provided about forthcoming cleaning but it does not indicate the day this is to be expected. It is unacceptable simply to provide notification that cleaning will take place at some point over a period of days/weeks. Rubbish accumulates regularly in the kitchen too and this poses an environmental health risk. For the avoidance of doubt, I use my own bin, but other residents should be removing rubbish more regularly. In addition, there is significant clutter in the hallway (cardboard boxes etc.). Given that this is a potential fire hazard, residents should be asked to remove this without delay. There was significant disturbance from a flat above one night this week with some shouting and what appeared to be an argument. Perhaps a letter could be sent reminding residents of their obligations regarding disturbance of the peace particularly during, but not limited to, the quiet hours.

Thank you for your cooperation.

Aberdeen City council have liaised with us regarding the allegations and have been satisfied that the issues raised are either incorrect or have been attended to.

The removal of rubbish is a collective responsibility of the residents

We asked the tenant to remove the box. Mr Tyrens, himself had been using a drying screen and was asked to remove this too. This seems to have kindled an outrage from him to the point that he complains incessantly about a pair of shoes in the corridor. Overseas students from some cultures and backgrounds often remove their outdoor footwear before going into their room. It does not cause any fire hazard as depicted below from a cleaning visit

Again, he has been reminded that disturbances need to be reported in a timely specific manner so they can be investigated

A copy of my reply to him is enclosed.

Email 30/10/23



31/10/23

Please would you ask other residents to remove their belongings from the hallway. There are still items cluttering the hallway such as collections of shoes and this is a trip hazard as well as a potential fire safety hazard, not to mention making it difficult to clean.

Thank you for your cooperation.

[See above note](#)

02/11/23

I would like to complain about significant disturbance last night and today from above, either a flat or staircase. There was a lot of shouting last night around 2.30am, and this woke me and no doubt affected other residents. Then this morning around 11.20am there were several bouts of screaming, seemingly a female voice. There is clearly no consideration for other residents by some tenants, or their guests. I would be grateful if you would remind residents of their obligations under disturbance of the peace regulations.

There continues to be corridor clutter. If we have been asked to clear the corridor on the grounds of fire safety as per email last week, then this applies to all residents. I have previously informed you that one or more residents are not complying and I mention it again here. On top of this, plumbing inefficiencies continue, but I have already made you aware of this and of Aberdeen City Council's advice to me for the next stage, if necessary. I reported in a previous email at some point about the fire alarm not appearing to operate in my room. Whilst I hear the alarm when tested from the corridor (testing can be irregular), the alarm unit does not appear to sound in my room. If this is a fire safety matter, I imagine that it ought to be followed up.

Thank you for your cooperation.

We replied to Mr Tyrens and investigated the disturbance. Notices were posted reminding tenants to respect the comfort of other tenants regarding noise disturbance.

We asked tenants to not store items outside their rooms though we did not agree that a pair of shoes was likely to cause any hazard. We must be sensitive of cultural beliefs and many people from other countries do find it unacceptable to wear outdoor shoes in living spaces.

Testing of the fire alarm is weekly and only one was missed during the 2 years he has been with us – as earlier explained this was due to staff attending an emergency (an unwell student).

There are adequate sounders in the flat and we are audited by the fire service

03/11/23

Thank you for your reply. The shower temperature is problematic in the shower room with the window.

We replaced the thermostat.

14/11/23

I would like to complain about the lack of cleanliness in the communal areas of the flat. It is unacceptable, I feel, and could be an environmental health risk. There are several pairs of shoes still cluttering the hallway and emergency pathway. Whilst you have been dismissive of this previously, residents were asked to clear items from the hallway on fire safety grounds. This should apply to all residents, and should all residents leave their collections of shoes in the hallway there could potentially be 20+ pairs hindering an emergency pathway. There has also been noise disturbance again from a flat above, most disrespectfully, too, on Armistice Day in the evening. Plumbing issues have still not been properly resolved with the kitchen tap continuously dripping.

Mr Tyrens was reminded of the tenants own responsibilities to keep the property tidy and clean in between visits. His refusal to join a cleaning rota was noted.

A full response to his complaint is in the appendix.

Email dated 14/11 23

22/11/23

Your recent email was found in my spam folder. I have responded previously to similar questions and do not intend to repeat all answers. I have also requested that emails that seek to intimidate by making demands that tenants pay more than is affordable, cease. Such emails would be deemed harassment and I have been advised to report such emails to the police.

We suspected that Mr Tyrens was no longer a student at the university and asked him to provide proof in the form of a letter from the registry. This is not an unreasonable request. This is a PBSA and tenants are required to be registered students. This request seems to have caused him to react in an outraged manner.

We have tried to assist Mr Tyrens with signposting to sources of tenant information that would assist him with his inability to budget for paying rent

We do not deem any of our correspondence to be harassment.

13/12/23

I would like to complain about the resident in room [REDACTED] who appears to have a long-term guest staying. The person staying seems to have been here for several weeks and it has been noticeable that the visitor is / has been unwell with long bouts of coughing. Whilst it is unfair on other residents to have others using the flat as a hotel for their guests who use the communal facilities, there could also be potential welfare issues. The person seems to be of a similar religious/ ethnic background, wearing a [REDACTED]. I have found the behaviour of the [REDACTED] resident in room [REDACTED] to be increasingly inconsiderate. I have asked [REDACTED] to clean up after using the kitchen for cooking, but little has changed, and only yesterday I found [REDACTED] confrontational when I turned off the kitchen tap that I thought [REDACTED] had forgotten to stop - [REDACTED] had left it running and went back to his room for a while. When I asked why [REDACTED] was leaving the tap running [REDACTED] arrogant answer was that it's 'for cleaning and, it's okay, there is too much water'.

See below.

14/04/24

I wish to complain about the resident of room [REDACTED] who appears to have a long-term additional resident staying in the room. The additional resident appears to be female and is left in the room for many hours whilst the usual resident leaves. Beyond the fact that this additional person would be using the facilities for residents, there may be welfare issues to consider - there have been some loud conversations from the room, too. The resident of room [REDACTED] also leaves the kitchen untidy after use and it would be appreciated if this could also be pointed out to [REDACTED].

18/05/24

Dear Mr Oakley,

I have spoken to Police Scotland this evening to discuss a pattern of intimidating behaviour by the resident of room [REDACTED] in my flat (believed to be an [REDACTED]). Recently, [REDACTED] behaviour became more concerning to me and I believe I am being targeted in particular. [REDACTED] has been confrontational in the past when asked to clear up after using the kitchen, but I have not spoken to [REDACTED] for some time since. Nevertheless, [REDACTED] behaviour is sometimes of concern and this has been noticeable this month. Recently [REDACTED] threw the broom down the corridor, slammed doors, I believe intentionally, and only the other day mimicked spitting at me as I walked past in the corridor. This is unwanted behaviour, and it feels threatening. I thought it would be best to pass this on to you and the property manager to deal with initially to see whether there may be concerns more broadly.

Thank you for your cooperation.

[See below.](#)

23/06/24

I wish to express further dissatisfaction regarding the behaviour of the resident in room [REDACTED]. This morning there was loud clashing of doors (intentional I would suggest) and [REDACTED] has also been going into the cupboards I use in the kitchen. Today [REDACTED] placed the strainer from the kitchen sink with remnants of food items into my bowl in the cupboard. [REDACTED] regularly leaves the kitchen and other communal areas unsuitable for use by other residents and this is unacceptable. I have already reported some of his intimidatory behaviour towards me - such as mimicking spitting at me in the corridor - to Police Scotland. I would be grateful if you would contact [REDACTED] further about this recent inconsiderate behaviour.

Thank you for your cooperation.

[See below.](#)

25/06/24

I would like to express further concerns about the resident of room [REDACTED] who has become increasingly threatening. This is unacceptable, and [REDACTED] continues to leave communal facilities, such as the kitchen sink unusable for other residents (see photo attached). [REDACTED] leaves the building without tidying away [REDACTED] belongings or washing up. When challenged [REDACTED] becomes immediately threatening - [REDACTED] suggests that [REDACTED] is 'warning me'. I take that as threatening behaviour and I have informed [REDACTED] that I will be reporting intimidation/ harassment to Police Scotland. Perhaps you wish to reinforce the message about [REDACTED] obligations as a resident, especially in accommodation with communal facilities.

Thank you for your cooperation.

The correspondence above is best explained in summary below.

Mr Tyrens had developed what would seem to be a 'dislike' for this overseas resident who we found to be a polite individual. Mr Tyrens went as far as to inform the police of the student's behaviour. Police attended on Saturday 20 April along with our Property Manager and found that the report against the student was unfounded. Police spoke with Mr Tyrens for some time, and it was after that that Police informed us that Mr Tyrens was understood not to be regarded as a student. Police also confirmed that they consider his reporting to be malicious.

After that, since Mr Tyrens had chosen to involve Police, we felt that it would not be sensible to intervene regarding specific allegations. We did offer to speak with Police Scotland about alleged incidents, but Mr Tyrens refused to provide incident numbers.

Our property manager did contact Police Scotland, but they could not discuss the matter with her.

We did find alternative accommodation for our overseas student, away from Mr Tyrens, in order that he was not subjected to, what we believe to be, victimization and harassment by Mr Tyrens towards a student.

Document created by Jonathan Tyrens 27/07/2024

[REDACTED]

[REDACTED]

Mark Oakley

From: Mark Oakley
Sent: 06 December 2022 13:50
To: JONATHAN TYRENS
Subject: RE: Occupancy agreement

Dear Jonathan

Thank you for your email of 25/11/22.

I apologise for the delay in replying due to my annual leave as explained.

In accordance with your occupancy agreement, if the occupancy agreement has not been brought to an end on 3 December 2022 by either party giving not less than 2 months' prior written notice (and we note that it has not happened here) the occupancy agreement will continue month to month until it is terminated by either party. Our preference is therefore for this agreement to continue on that basis moving forward and not to enter into a new occupancy agreement with you. We would have appreciated more notice of your intentions, however, and would be grateful if you could now confirm to us your intended length of stay at the property. We do not think it unreasonable, for tenants of short term accommodation, to be able to provide some indication of length of stay in order that we can schedule availability, property maintenance/inspection and occupancy levels.

The agreed rent for the property was due on 01/11/22. This is now 35 days overdue and I have written to you several times to politely remind you of this and it is only now that you provide reasons for the delay. You elude to 'issues with the accommodation' however we consider that these 'issues' have been addressed and should not be capable of being justification to delay payment. Notwithstanding, we are prepared to allow a certain amount of leeway, regarding prompt payment, however interest will still accrue on the account (but not necessarily invoiced). You should therefore arrange payment to reach us this week if possible. The rent due for the period of one calendar month will be due on 03/12/22 and we will inform you of the amount due this week. The rental amount, for extending the agreement, will be calculated, pro-rata, based on the original agreed sum. We would ask that you adhere to the dates due as agreed.

With regard to the issues you have raised, we do consider that these have been responded to. I have outlined below the issue raised and our response to you in summary.

- **You considered that notice was not given to enter the property during your initial period of tenancy.**

I replied to you on 16/09/22.

"Firstly, I would like to address your concern regarding access to the property. The month of September sees an influx of nearly 100 residents to our 2 properties. Catriona is extremely busy during that time and is very conscientious with regard to ensuring the rooms and communal areas are ready. You were concerned that she accessed the flat without notice of 24 hours being given. We undertake in the agreement issued that maintenance visits will be communicated, if possible, giving notice of 24 hours. Catriona did access the flat to check another residents room was ready for their arrival but at no time did she access your room that the agreement covers. Where possible she likes to personally show around a new resident and introduce herself. You were good enough to arrive giving plenty of notice and promptly however often our residents travel plans are sometimes changed or they are delayed and we have to let them in to the property without much notice. If we were carrying out actual maintenance work that could be noisy or be in your room then we will always try to give notice unless it's an emergency of course."

I understand that it was explained to you, on your arrival, that other residents would be arriving in the coming days.

Since then, we have always given 24 hours email notice of entering the flat. For clarity, we are not obliged to provide notice of 24 hours to enter the building and it is impossible to agree to that given that our property manager has her office in the building. We do not believe we have breached any tenants rights by our actions.

You elude that Mr Kevin Stewart MSP had not been responded to however this is not the case. Explained that, you copied Mr Stewart in to your email but used an incorrect email address for him and the email bounced back when I replied to you both. I corrected that and forwarded the full response to him on the same day as I'm sure he will confirm. I have responded to all other communication from Mr Stewart in a timely manner and usually the same day.

- **You complained of "non-residents using the resources paid for by other tenants"**

Tenants are allowed to have visitors to the property and we do not state that they should inform other residents if they intend to do so. We would regard the necessity to do so to be part of any informal agreements between the occupants of the flat. In a shared flat it would be normal that residents agree certain housekeeping arrangements between themselves eg bin emptying rotas. Reasonably, our property manager cannot supervise the 'day to day' living arrangements and behaviours of our tenants in accommodation that is provided to allow independent living unless a tenants behaviour is particularly repugnant or disruptive in which case we would intervene. Fortunately, these cases are rare and a simple mediation is all that is usually required to resolve the situation.

In this context, we consider "using resources paid for by other tenants" to mean actual property of the tenant eg a television, towels or food for instance.

- **You felt that the monthly cleaning rota has been late.**

We provide a monthly thorough clean of the flat. We did not undertake to carry this out precisely 1 month after your arrival. A clean was carried out on 17/10/22 and subsequently on 14/11/22 and there will be a further clean around the middle of December. There are many flats to clean and it is very difficult to be precise about dates of this. You will be provided with notice of 24 hours by email however, as with any planned visit.

- **You felt that that the heating is not adequate.**

I responded to an email from Mr Kevin Stewart regarding this matter on 30/09/22 and also responded to you on that day.

The response to Mr Stewart is below and we assume you were informed of this

"I confirm that the building is heated and that we have had no other complaints from the many residents of Coopers Court. The building is heated by modern radiators with steam provided by the University. In common with other university accommodation, the system is controlled by a timer which ensures that the building is heated during normal times of demand. Our property manager is present at the accommodation, during working hours, and has confirmed that the building is adequately heated. We do not access individuals rooms, without notice, however the radiator has been checked and is operating correctly."

Unless you have other matters to raise then we consider that all of the relevant issues you have brought to our attention have been addressed.

Thank you for bringing to our attention the Scottish Governments recent legislation and we confirm that we are fully aware of this. I can also confirm that all matters raised on your behalf by Mr Stewart have received prompt replies.

I look forward to receiving your reply regarding confirmation of your residency term and would be grateful if you could confirm payment dates of the overdue rent for your occupancy.

Look forward to hearing from you

Kind regards

Mark Oakley
Managing Director

From: JONATHAN TYRENS
Sent: 25 November 2022 11:50
To: Mark Oakley
Subject: Re: Occupancy agreement

Thank you for your recent message. I have been away on research visits and I am probably away at the end of next week, but I don't think an inspection is necessary - I don't plan to move during the early winter period, at least. I would, therefore, be grateful if you would extend the tenancy agreement electronically.

Apologies for the slight delay in rent for this month, however I am awaiting returned funds from HMRC. There have been delays outwith my control, but I believe that this should be with me within the next couple of weeks. I would generally prefer a monthly payment; I have paid £600 and £250 deposit already and there have been issues with aspects of the accommodation that I felt were not addressed.

On that matter, I have been in touch with my MSP Mr Stewart, who has been helpful, and I am disappointed to learn that it is suggested that you feel that my complaints have been dealt with. I do not feel this is entirely the case; the property manager ignored all emails I sent. I would also be grateful if you would respond to the points made more substantially and specifically. I outlined to Mr Stewart the issues raised in each email sent to the property manager. There have been, for example, non-residents using the resources paid for by tenants, and this is clearly prohibited in the tenancy agreement, not to mention inconsiderate. I have asked for clarification on the cleaning schedule, too, as this was delayed in October, but this has not been forthcoming either.

On behalf of all tenants, and I am sure that you are aware of this, but I would like to remind you, the Scottish Government has introduced recent legislation to protect tenants further during the challenging winter period this year. See, for instance, the advice provided on Shelter Scotland's website [The eviction ban - check your rights - Shelter Scotland](#). I mention this now as I was concerned that tenants' rights were overlooked during the initial period of my tenancy in terms of the landlord / landlord's representative entering the property without providing notice to residents, notice which is clearly stated as necessary in your own tenancy document. I wrote to Mr Stewart MSP on this matter, and I believe he has been in contact with you about this. I do not think you have yet responded to the Member of the Scottish Parliament on the matter.

With regards,

Jonathan P. Tyrens

BA (Hons) MA MLitt

----- Original Message -----

From: "Mark Oakley"

To:

Sent: Thursday, 24 Nov, 22 At 09:03

Subject: Occupancy agreement

Dear Jonathan

As you know, your occupancy agreement ends on 03/12/22.

I would be grateful if an appointment could be arranged to inspect the room condition prior to your departure. We do not believe that there will be any issues however it is a formality that should be undertaken to allow return of your deposit.

I understand, from previous correspondence, that you have been out of town on research trips recently and would be grateful if you could indicate your availability prior to that date so that we can carry out the inspection. You can be present at the inspection or we can access, with your permission, in your absence

Can I suggest Friday 2nd December (AM) or let us know if another time suits you better

Kind regards

mark

Mark Oakley

Managing Director



Mark Oakley

From:
Sent: 12 December 2022 13:32
To: Mark Oakley
Subject: (Case Ref: KS7633)

Dear Mark,

Thank you for your email – I hope this finds you well.

In terms of Mr Tyrens, I do not feel as though you have been acting unreasonably. Thank you for your cooperation on this matter.

If you could provide me with further information regarding your concerns with the Cost of Living (Tenant Protection) (Scotland) Bill 2022 I would be more than happy to write to Shona Robison MSP, Cabinet Secretary for Social Justice, Housing and Local Government, on this matter.

I look forward to hearing from you.

Kind regards,
Kevin

Kevin Stewart MSP

Mark Oakley

From: Mark Oakley
Sent: 23 May 2023 16:03
To: JONATHAN TYRENS
Subject: RE: Accommodation charges

Dear Jonathan

Thank you for confirming this.

To be correct, the payments you have been recently making to us have not been agreed with us as a 'payment plan' as advised on Shelter Scotland's website.

https://scotland.shelter.org.uk/housing_advice/money_help/rent_arrears

I am surprised that you regard my correspondence as "intimidation/harassment" but apologise if you consider them to read as such as they are not intended to be. We are simply following the steps advised on websites, that provide advice for such undesirable situations, including the Scottish Governments own website.

If we did not clearly point out the facts and state our position we would be regarded, in law, as not having acted correctly which I hope you understand.

Kind regards

mark

Mark Oakley
Managing Director

From: JONATHAN TYRENS
Sent: 23 May 2023 13:22
To: Mark Oakley
Subject: Re: Accommodation charges

Thank you for your recent message. I am focused on my thesis and preparation at the moment and am only responding to essential emails. My GP, too, has given me suitable advice to alleviate stress.

I find your intimidation / harassment unacceptable. I have previously stated my current position regarding accommodation charges and available funds. I will make an affordable payment at the end of each month. Please respect the rights of tenants on all matters. Mr Stewart MSP has advised me to report to the police should I feel that I am being harassed or intimidated in any way.

https://scotland.shelter.org.uk/housing_advice/complaints_and_court/landlord_harassment

From: Mark Oakley
Sent: 30 October 2023 17:19
To:
Cc:
Subject: RE: Complaints

Dear Jonathan

Thank you for your email.

Addressing each of your complaints in turn.

1. I would like to complain about ongoing plumbing issues in the flat.
All previous issues raised had been investigated and attended to as notified to you on several separate occasions. The kitchen tap you refer to remains slightly loose but fully operational and is not leaking. It is, however, the second tap in that kitchen. When we have suitable opportunity, and as discussed previously, we will be replacing but, in the meantime, we intend removing the second tap and leaving the functioning hot/cold taps and sink. One tap and sink is adequate for the size of the kitchen. We may re-think the design however we do not want to put the kitchen out of use for obvious reasons.

You have previously alleged that the toilet flush is problematic, and this has been tested.

You also alleged that one sink does not drain but we have found that it does.
2. I have also noticed that there is a temperature regulation issue with one of the showers.
This is the first time that we have received a report of this issue, We will schedule a plumber to attend, We will need to know which shower has a fluctuating temperature issue and have received no other complaints about this but will investigate it
3. There has also been a problem with the lock on the main door recently and I think this requires ongoing attention.
This has been fixed on Friday the 27th of October. It was reported by another tenant and regarded as urgent enough to require immediate attention. We would not want anyone becoming stuck outside the flat and do not regard this as an 'ongoing situation' as you allege. The locks fitted are good quality ASSA manufacture and should be maintenance free.
4. Cleaning appears to be irregular and it is still the case that correct notice is not being given before property visits by representatives. For example, a notice was recently provided about forthcoming cleaning but it does not indicate the day this is to be expected. It is unacceptable simply to provide notification that cleaning will take place at some point over a period of days/weeks.
A general Notice was issued on Friday for the sparkle clean, it was difficult to determine the days in which the cleaning was to take place as there was a change to the staff involved. Flat 9 have received 24 hours' notice of attendance at 10.15am on Tuesday the 31st of October. The last sparkle cleaning was undertaken week beginning 9th of October. We refute that the cleaning is irregular.
5. Rubbish accumulates regularly in the kitchen too and this poses an environmental health risk. For the avoidance of doubt, I use my own bin, but other residents should be removing rubbish more regularly. This issue has been covered regularly in your earlier messages and is not a responsibility of the accommodation providers but that of the residents as stated in the Occupancy agreement. Most shared flats organise a cleaning/bin emptying rota. We cannot organise this for you. We do send regular reminders about emptying bins with Notices of cleaning.

6. In addition, there is significant clutter in the hallway (cardboard boxes etc.). Given that this is a potential fire hazard, residents should be asked to remove this without delay.

On Friday, all residents were asked to remove personal items from the corridors. I understand that you often have a drying rack in the hall and should desist from putting this there as it will impede safe exit in an emergency. A laundry room with dryers is provided for this purpose and there is an outside area if weather is suitable for this. We provide storage for suitcases, boxes and other items and tenants are encouraged to use this facility

7. There was significant disturbance from a flat above one night this week with some shouting and what appeared to be an argument. Perhaps a letter could be sent reminding residents of their obligations regarding disturbance of the peace particularly during, but not limited to, the quiet hours.

This is the first that I have been made aware of any issue by anybody, the fact that I am now being told some days after the disturbance is difficult to follow up on. We cannot investigate the business of other tenants to that extent but will address your concerns if notified soon after the occurrence.

You allege that Aberdeen City Council have "tried to liaise with us" and should point out that they have, in fact, been in contact with us and are satisfied that any relevant maintenance needs have been addressed.

I hope this clarifies our position but, as offered, would be happy to meet with you and your advisor, as witness, to discuss these and the other issues arising out of your tenancy.

Kind regards

Mark Oakley
Managing Director

From:
Sent: 28 October 2023 12:43
To: Mark Oakley
Cc:
Subject: Re: Complaints

Dear Mr Oakley,

I would like to complain about ongoing plumbing issues in the flat. As previously reported there are issues with drainage, taps and I have also noticed that there is a temperature regulation issue with one of the showers. I have reported plumbing issues to Aberdeen City Council who have tried to liaise with you to remedy the problems too, but the fact is that you have not resolved the plumbing issues. I have been advised that I may make an application to the Housing and Property Chamber First Tier Tribunal about repairs that remain unresolved. There has also been a problem with the lock on the main door recently and I think this requires ongoing attention. Cleaning appears to be irregular and it is still the case that correct notice is not being given before property visits by representatives. For example, a notice was recently provided about forthcoming cleaning but it does not indicate the day this is to be expected. It is unacceptable simply to provide notification that cleaning will take place at some point over a period of days/weeks. Rubbish accumulates regularly in the kitchen too and this poses an environmental health risk. For the avoidance of doubt, I use my own bin, but other residents should be removing rubbish more regularly. In addition, there is significant clutter in the hallway (cardboard boxes etc.). Given that this is a potential fire hazard, residents should be asked to remove this without delay. There was significant disturbance from a flat above one night this week with some shouting and what appeared to be an argument. Perhaps a letter could be sent reminding residents of their obligations regarding disturbance of the peace particularly during, but not limited to, the quiet hours.

Thank you for your cooperation.

Jonathan Tyrens

Sent via BT Email App



Mark Oakley

From: Mark Oakley
Sent: 14 November 2023 14:46
To:
Cc: Kevin Stewart MSP
Subject: Re Complaint
Attachments: Flat 9 corridor.JPG; Statement and next steps

Dear Jonathan

Addressing your complaints in turn

- *I would like to complain about the lack of cleanliness in the communal areas of the flat. It is unacceptable, I feel, and could be an environmental health risk.*

The communal areas of the flat are cleaned once per month (the last visit being 31 October) and between those times it is the responsibility of the tenants to clean these areas. Most flats organise a cleaning rota, but it is up to the collective tenants to decide how this is to be carried out. We do not empty rubbish bins or wash up crockery and cooking utensils etc. This has been explained many times to you.

- *There are several pairs of shoes still cluttering the hallway and emergency pathway. Whilst you have been dismissive of this previously, residents were asked to clear items from the hallway on fire safety grounds. This should apply to all residents, and should all residents leave their collections of shoes in the hallway there could potentially be 20+ pairs hindering an emergency pathway.*

I understand that there were 2 pairs of shoes in the hallway outside the doors. I would be grateful if you did not incorrectly assert that I have been dismissive of this when, as you know, we have acted on your complaint. We are not in attendance every day in the flat to monitor this, and it would be rather intrusive if we did so, however please feel free to submit photos as evidence and we will take this complaint up with the other tenants. Please find enclosed the condition of the hallway during a visit on 01/11/23. We reminded those tenants of the need to keep the hall clear after that. You have, in the past, obstructed the hallway with a drying screen as I recall.

- *There has also been noise disturbance again from a flat above, most disrespectfully, too, on Armistice Day in the evening.*

You have been informed of the procedure for reporting excessive noise disturbance. As advised previously, it is too late to report these incidents days after the occurrence. You must report by telephone, at the time, so that we can deal with it.

- *Plumbing issues have still not been properly resolved with the kitchen tap continuously dripping.*

We will look at this again tomorrow however the tap has not been dripping on the numerous occasions it has been inspected. Perhaps someone is not turning it off properly. There are 2 taps in the kitchen.

Thank you for the link to Shelter Scotland's website. The advice to tenants is very clear, sensible and it is quite correctly, focussed on tenants who are renting their only home and may be made homeless.

The site has a specific section that deals with student accommodation and your rights, which you would be advised to read: [Eviction if you live in student accommodation - Shelter Scotland](#) .

I would be grateful if you could reply to my email of yesterday requesting proof of student status (a copy of the email is enclosed). This has been, reasonably, asked of you many times.

Kind regards

Mark Oakley
Managing Director

From:
Sent: 14 November 2023 11:32
To: Mark Oakley
Cc:
Subject: Complaint

Mr Oakley,

I would like to complain about the lack of cleanliness in the communal areas of the flat. It is unacceptable, I feel, and could be an environmental health risk. There are several pairs of shoes still cluttering the hallway and emergency pathway. Whilst you have been dismissive of this previously, residents were asked to clear items from the hallway on fire safety grounds. This should apply to all residents, and should all residents leave their collections of shoes in the hallway there could potentially be 20+ pairs hindering an emergency pathway. There has also been noise disturbance again from a flat above, most disrespectfully, too, on Armistice Day in the evening. Plumbing issues have still not been properly resolved with the kitchen tap continuously dripping.

Jonathan Tyrens

https://scotland.shelter.org.uk/housing_advice/eviction

Sent via BT Email App

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LICENSING COMMITTEE INFORMATION SHEET

04 December 2024

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: SHAIRRON MURRAY

AGENT: STEWART PROPERTY SERVICES LIMITED

ADDRESS: LOWER FLAT, SPRING COTTAGE, 1 AND A HALF SOUTH CROWN STREET, ABERDEEN

INFORMATION NOTE

- Application Submitted 29/08/2024
- Determination Date 28/08/2025

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

If, after consideration of the representation/objection, the Committee is minded to grant the HMO licence, it may do so under delegated powers since at the time of drafting this information note, the necessary certification has not been completed.

DESCRIPTION

The property at Lower Flat, Spring Cottage, 1 and a Half South Crown Street, Aberdeen, is the subject of this renewal HMO licence application and its accommodation is a ground floor flatted property comprising, 3 letting bedrooms, lounge, kitchen, bathroom, and cloakroom. The applicant wishes to accommodate a maximum of 3 tenants, which is acceptable to the HMO Team in terms of space and layout. The location of the premises is shown on the plan attached as Appendix A.

CONSULTEES

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

REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- One objection letter from Diane Pirie (Attached as Appendix B)
- One representation from Addleshaw Goddard (Attached as Appendix C)

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

COMMITTEE GUIDELINES/POLICY

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

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

GROUNDINGS FOR REFUSAL

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

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

OTHER CONSIDERATIONS

- The applicant is as a landlord with this Council and their registration includes Lower Flat, Spring Cottage, 1 and a Half South Crown Street, Aberdeen.
- The Council's Community Safety Team has one record of complaint regarding Lower Flat, Spring Cottage, 1 and a Half South Crown Street:
 - **10 June 2024** - complaint of late night/morning thudding and banging and continuously failing to pick up dog mess in the rear shared garden.
- There are currently no other HMO licensed properties at South Crown Street, Aberdeen.
- The applicant was first granted an HMO licence for Lower Flat, Spring Cottage, 1 and a Half South Crown Street in 2012 and the application under consideration is the fourth renewal application.
- The objection mentions car parking. Members may wish to note that car parking is not a consideration of HMO Licensing it is not specifically mentioned in the Statutory Guidance.

'A'



Dear Sir / Madam,

LOWER FLAT, SPRING COTTAGE, ONE AND A HALF SOUTH CROWN STREET, ABERDEEN AB11 7RQ

I would like to object to an HMO Licence for the above address.

My concerns are legitimate. I moved into my property in September 2007, 17 years ago. The lower flat did not have an HMO license for the first 3 – 4 years, nevertheless the property was leased to 3 or more people who were not related in this period, since then it has existed as an HMO property.

HMO landlords should be transparent with their neighbours, communicate adequately and address neighbour concerns to ensure a beneficial environment for both tenants and neighbours.

I have had to get the Community Safety Team and Landlord registration involved on a number of occasions to try and obtain replies to my email complaints as the Landlord and Leasing agent refuse to reply.

I have a substantial number of emails which have been sent to the landlord and leasing agent over the last 17 years as evidence of noise disturbance, constant partying, slamming doors and dog fouling.

The constant noise which emits from the property has greatly impacted the quality of my private and work life causing stress and sleep deprivation.

The dog fouling has resulted in myself, family and friends unable to utilise the shared garden. It has also resulted in the gardener who was engaged to maintain the shared garden every 4 weeks refusing to maintain the garden which has taken years to get into a good quality condition.

The front of the property has been neglected.

This disregard for shared property maintenance will ultimately cause loss of value to my property.

Furthermore, there are parking issues on the street. The potential of 3 additional cars would increase this problem as well as adding in environmental concerns.

Due to my concerns above, I believe that the landlord is not fit to hold an HMO license.

If you would like me to provide evidence to these issues, I have been experiencing over my time in this property I am happy to do so.

If the council and the landlord can ensure correct measures are going to be taken to limit disturbance from noise levels, agree to maintaining shared spaces and an appropriate plan is detailed to me on how this would be carried out I will reconsider this objection to an HMO license.

Kind Regards,



Diane Pirie





Our reference [REDACTED]

8 November 2024

FAO: Jocelyn Janssen
Private Sector Housing Manager
Aberdeen City Council

By email: hmounit@aberdeencity.gov.uk

Dear Private Sector Housing Manager

Our Client: Shairron Murray
Part 5 Housing (Scotland) Act 2006
Application for Licence for a House in Multiple Occupation (HMO)
Premises: Lower Flat, Spring Cottage, One and a Half South Crown Street, Aberdeen
Licensing Committee: Wednesday 4 December 2024

We act for Shairron Murray. We have been instructed by Ms Murray to respond to your letter of 26th September 2024. We enclose with this letter copies of the following:-

- 1 Letter dated 6th November 2024 from Stewart Property Services.
- 2 Letter from EWF Interior Services dated 6th November 2024 with accompanying invoices.

Background

Ms Murray has been the landlady of the property in question for more than 20 years. She is a responsible landlady and takes any neighbour complaint seriously. For all of the reasons articulated below, the application for an HMO License should be granted.

Our Client's Response

In respect of the matters raised by our client's neighbour Ms Pirie, our client advises as follows:-

- 1 The steps taken by our client to address Ms Pirie's complaints are set out in the letter from Stewart Property Services.
- 2 The property is presently occupied by a single man. He keeps a cat and a dog in the premises. His son occasionally visits him there. Any allegation of parties in the flat, late night noise, etc are entirely false.
- 3 Where allegations of excessive noise by previous tenants have been established, our client has taken steps to remove them. That does not apply to the present tenant. Our client refers to the comments of Stewart Property Services in respect of the present tenant.

10-88710774-1

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- 4 Where the tenant in the property keeps pets, it is inevitable that there will be, from time to time, issues regarding dog fouling. Nevertheless, we refer to the submissions from Stewart Property Services Ltd in respect of the steps which our client has taken to mitigate this problem. As recently as last week our client has paid personallt for an extensive garden tidy at both the front and rear of the property.
- 5 The letter from EWF Interiors together with accompanying invoices indicates the level of expenditure which our client has incurred to maintain the property and to address reasonable points raised from time to time by her neighbours.

In the event that the HMO License is not granted, there will be no immediate impact, as the property is presently only occupied by one tenant. However, our client will be disadvantaged in respect of potential future tenants when the Lease comes to an end.

If our client is unable to rent the property, it is likely that she would relocate to the property along with her partner three teenage children and their pets.

In all the circumstances there are no good reasons why the HMO License should not be granted and our client invites the Committee to grant the application. Our client will attend the meeting on 4 December 2024 in person.

Yours faithfully



Addleshaw Goddard LLP

Direct line
Email



Our Ref: [REDACTED]

6th November 2024

To whom it may concern
Aberdeen City Council
HMO unit



REF: LOWER FLAT, SPRING COTTAGE, ONE AND A HALF SOUTH CROWN STREET, ABERDEEN, AB11 7RQ
HMO Licence Number: HOUS308828636

We are writing to you in relation to the above and to the Objection correspondence we received from the Aberdeen City Council HMO unit dated 26th September 2024.

We are the leasing agents of the property and have been the agent for the Landlord Shairron Murray since February 2012. First HMO licence was granted in 2015 as before this the property did not require an HMO, due to tenants being related/partnerships.

In relation to the complaint of 26th September 2024, from Diane Pirie the owner of the Upper Flat, we have at all times dealt with her correspondence and replied. See below our points:

- Constant partying, noise disturbance and slamming doors
 - As we are all aware when it comes to an HMO property all doors have to be self-closing, and unfortunately in this particular building there is no sound deafening etc due tot the age of the property, also constant partying we can confirm this to be untrue.
- Dog fouling this has taken place recently but not before the current tenant moved in who moved in on 14th August 2023, and when we have received an email from Diane Pirie we have always contacted the tenant and replied to her to have the issue resolved. **(please find attached to this letter email trails)**
- The front of the property is our landlords, liability Diane has no right to the front garden of the property it solely belongs to our landlord, and it has been maintained to a reasonable standard
- Diane mentions 3 cars at present current tenant only has one car, if the property was not leased and was owner occupied, they can have as many cars as they wish, as long as they have the right parking permits, councils discretion.

During the time we have managed property Diane Pirie we have found to be at times, not forthcoming or approachable, and we can ensure you we and the landlord have done our best in order to have issues resolved.

Your sincerely
[REDACTED]

VAT Reg. No. 124 4347 35

164 Skene Street Aberdeen AB10 1PE
📞 01224 582830 📠 01224 646651
www.stewartpropertyservices.co.uk

To whom it may concern
Aberdeen City Council
Licensing Committee
Aberdeen

6 November 2024

Ref: Spring Cottage, 1 ½ South Crown Street, Aberdeen, AB11 7RQ – HMO License Renewal

Dear Sir/Madame,

We write with reference to the above property, following recent objection to the HMO license renewal application, which we understand upstairs owner/occupier neighbour, Diane Pirie has initiated.

We confirm full support to the owner of lower flat, Shairron McDonald for renewal of the property HMO license. We have provided maintenance support for the owner/landlord of Lower Flat, Spring Cottage, 1½ South Crown Street since 2016. Throughout this time, this support has been provided in coordination with the property leasing agent, Stewart Property Services through whom we are periodically notified of requirements. Maintenance has typically been provided when tenants have exited the property, when full access is gained, allowing thorough review, with remedials scope agreed with landlord and works completed in advance of new tenants moving in, in coordination with Stewart Property Services. Such works typically include end of tenancy clearing; carpet cleaning; minor repairs; light bulb replacement etc. In addition, we have also provided more substantial maintenance works, some necessitated during tenancies. These have included recent refurbishment of the bathroom/shower room in January 2024, as well as repair works in the flat basement following water ingress, or replacement of domestic appliances etc. We have also on occasion been requested to investigate concerns which we have been advised were raised by the upstairs neighbour. The most recent instance of this we understand was to address a noise complaint, with subsequent checks and adjustments made to internal door closers, as well

as checking the integrity of the beam below the flat's front bedroom, using access from the basement. To support the above, please find copies of several invoices for reference and verification and advise we would be happy to provide any further detail to support the renewal of this HMO property license.

Yours sincerely,



Owner

INVOICE

Shairron McDonald

Invoice Date
1 Feb 2022

Invoice Number
INV-1080212

Reference
Spring Cottage - Freezer &
Plinth

VAT Number
294 2012 19

EWF Interior Services Ltd
9 Louisville Avenue
Aberdeen
AB15 4TT
UNITED KINGDOM

Description	Quantity	Unit Price	VAT	Amount GBP
- Supply and fit integrated Kenwood freezer and recycling of existing	1.00			
- Supply and fit replacement plinth on freezer run in kitchen				
AMOUNT DUE GBP				0.00

Due Date: 7 Feb 2022

Payment terms within 7 days of invoice

Payment to: EWF Interior Services Ltd

Please use invoice number as your payment reference

INVOICE

Shairron McDonald

Invoice Date

2 Aug 2022

Invoice Number

INV-1080235

Reference

Spring Cottage -
Maintenance Jul 2022

VAT Number

294 2012 19

EWf Interior Services Ltd

9 Louisville Avenue

Aberdeen

AB15 4TT

UNITED KINGDOM

Description	Quantity	Unit Price	VAT	Amount GBP
Post damp proof redecoration works	1.00			
Preparation for new tenants - tenant chargeable	1.00			
- Cleaning				
- Cleaning of oven				
- Supply of replacement bulbs				
Preparation for new tenants - landlord chargeable	1.00			
- Remove existing and re-silicon shower				
- Supply and fit replacement door handle on WC				
- Supply mattress protectors				
- Supply dehumidifiers x 8				
- Supplement for post builder/damp proof works clean				
- Visit to check and adjust blinds				
Slater to clear gutters, unblock downpipes and clear vegetation on gable end skew	1.00			
AMOUNT DUE GBP				0.00

Due Date: 8 Aug 2022

Payment terms within 7 days of invoice

Payment to: EWf Interior Services Ltd

Please use invoice number as your payment reference



INVOICE

Shairron McDonald

Invoice Date
21 Sep 2023

Invoice Number
INV-1080263

Reference
Spring Cottage -
Maintenance/Clean Jul
2023

VAT Number
294 2012 19

EWf Interior Services Ltd
9 Louisville Avenue
Aberdeen
AB15 4TT
UNITED KINGDOM

Description	Quantity	Unit Price	VAT	Amount GBP
Services including - End of Tenancy Clean including appliances and interior windows - Carpet spot clean - Exterior window clean - Recycling centre drop off - Supply 1 x super king and 2 x double mattress protectors; 1 x kitchen drainer; 1 x kitchen basin; 1 x water glass to reinstate set of 4; pack bulbs; dehumidifiers - 2 x keys and postage - Visit to investigate oven/hob	1.00			
			AMOUNT DUE GBP	0.00

Due Date: 27 Sep 2023

Payment terms within 7 days of invoice

Payment to: EWf Interior Services Ltd



Please use invoice number as your payment reference

Company Registration No: SC536946. Registered Office: 9 Louisville Avenue, Aberdeen, AB15 4TT, United Kingdom.

INVOICE

Shairron McDonald

Invoice Date
11 Jan 2024

Invoice Number
INV-1080283

Reference
Spring Cottage - Bathroom
Remedials - Instalment 1

VAT Number
294 2012 19

EWf Interior Services Ltd
9 Louisville Avenue
Aberdeen
AB15 4TT
UNITED KINGDOM

Description	Quantity	Unit Price	VAT	Amount GBP
Instalment 1 to assist with materials costs for bathroom remedial works	1.00			
AMOUNT DUE GBP				0.00

Due Date: 15 Jan 2024

Payment terms within 7 days of invoice

Payment to: EWF Interior Services Ltd

Please use invoice number as your payment reference

INVOICE

Shairron McDonald

Invoice Date
 16 Feb 2024
Invoice Number
 INV-1080288
Reference
 Spring Cottage - Bathroom
 Remedials - Balance
VAT Number
 294 2012 19

EWF Interior Services Ltd
 9 Louisville Avenue
 Aberdeen
 AB15 4TT
 UNITED KINGDOM

Description	Quantity	Unit Price	VAT	Amount GBP
Balance following completion of bathroom works as quoted;	1.00			
Additional scope required;				
- Supply and fit skirting trim				
- Prep, fill, sand and paint walls				
- Stain and varnish skirting trim to match existing				
			AMOUNT DUE GBP	0.00

Due Date: 22 Feb 2024

Payment terms within 7 days of invoice

Payment to: EWF Interior Services Ltd

Please use invoice number as your payment reference

INVOICE

Shairron McDonald

Invoice Date
21 Jun 2024

Invoice Number
INV-1080294

Reference
Spring Cottage -
Basement Works

VAT Number
294 2012 19

EWf Interior Services Ltd
9 Louisville Avenue
Aberdeen
AB15 4TT
UNITED KINGDOM

Description	Quantity	Unit Price	VAT	Amount GBP
Services including: - Check and adjust main property door closers - Investigate beams from basement beneath front bedroom found to be sound (connected to complaint from upper flat owner) - Re-sheet of exposed areas of ceiling - Remove rotten door and surround and form new basement door with lock and 3 x keys (tenant has 2 x keys) - 2 x extra keys cut - Dispose of all waste	1.00			
AMOUNT DUE GBP				0.00

Due Date: 27 Jun 2024

Payment terms within 7 days of invoice

Payment to: EWf Interior Services Ltd

Please use invoice number as your payment reference

LICENSING COMMITTEE INFORMATION SHEET

04 DECEMBER 2024

TYPE OF APPLICATION: Grant of Second Hand Dealer Licence (Vehicles)

APPLICANT: Geary Motors Ltd

INFORMATION NOTE

Application Submitted- 14/05/2024
Determination Date- 13/02/2025
An application for the grant of a Second Hand Dealer licence was submitted on 14/05/2024.
However a complaint has been received which therefore counts as an objection, from ACC City Wardens.
The complaint is below and states that the company in question stores vehicles for sale on the public road, which if they were licensed would be a breach of licence conditions.

DESCRIPTION

Grant of Second Hand Dealer Licence

CONSULTEES

Police Scotland
Trading Standards

OBJECTIONS/REPRESENTATIONS

N/A

COMMITTEE GUIDELINES/POLICY

N/A

GROUND FOR REFUSAL

A licensing authority shall refuse an application to grant or renew a licence if, in their opinion—
(a)the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either—
(i)for the time being disqualified from holding a licence, or

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

and otherwise shall grant the application.

Good morning,

Hope you're well.

Trying to figure out if there's anything we can do regarding Geany Motors on Stell road. We've received a complaint about the garage storing cars for sale & getting repaired on the road. There are no contraventions for the City Wardens to enforce and we cannot treat them as abandoned due to the garage claiming ownership for them.

I was in contact with Trading Standards earlier today as the complainant quoted fines from an act, but it turns out that's only enforceable in England & Wales. Trading Standards advised he might be breaching his licensing conditions and to try yourselves.

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LICENSING COMMITTEE INFORMATION SHEET
04 DECEMBER 2024

TYPE OF APPLICATION: Renewal of a Tattoo & Skin Piercing Licence
APPLICANT: Hanna Kasztelan

INFORMATION NOTE

Application submitted on 16/01/2024

Application must be determined by 15/01/2025

An application for the renewal of a tattoo licence was passed to Environmental Health on 16/01/2024 and they have as yet been unable to visit the premises to conduct an inspection as required information has not been supplied by the applicant.

An updated request to the applicant was issued on 15/10/2024 and 05/11/2024 with no response.

Therefore licensing have no confirmation that the premises meets current health & safety requirements.

DESCRIPTION

Renewal of Tattoo & Skin Piercing Licence

CONSULTEES

- Police Scotland
- Environmental Health

OBJECTIONS/REPRESENTATIONS

N/A

COMMITTEE GUIDELINES/POLICY

N/A

GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

and otherwise shall grant the application.

Tues 15/10/2024 11:21

Good Morning,

Please may you provide the items detailed below in the email trail which originally dated back to 20/09/2024.

Until these items are received and reviewed I will be unable to carry out a site visit and this Service will be unable to make any comments.

- 1. Training certificates (including any first aid);**
- 2. Consent forms for customer;**
- 3. Aftercare information;**
- 4. Signage relating to those underage or under the influence;**
- 5. Any testing for sterilisation equipment (if applicable);**
- 6. Insurance document;**
- 7. Equipment set up;**
- 8. Sanitising products and materials;**
- 9. PPE available to staff;**
- 10. Clinical waste receptacles and contract.**

Tues 05/11/2024 11:26

Good Morning,

Unfortunately, we as a Service have still to receive the requested items detailed within the original email sent on the **20/09/2024**.

Subsequent emails sent on the **03/10/2024** and **15/10/2024** were also sent with no response received.

It is also apparent that from your application your original license expired on the **20/12/2023**.

This would mean you are required to have a new license granted and this would not be classed as a 'renewal'.

For ease of reading, I have reiterated the requested items below:

- 1. Training certificates (including any first aid);**
- 2. Consent forms for customer;**
- 3. Aftercare information;**
- 4. Signage relating to those underage or under the influence;**
- 5. Any testing for sterilisation equipment (if applicable);**
- 6. Insurance document;**
- 7. Equipment set up;**
- 8. Sanitising products and materials;**
- 9. PPE available to staff;**
- 10. Clinical waste receptacles and contract.**

Failure to provide the relevant documentation may result in this Service submitting an objection to your application.

I have copied my colleagues from Licensing and Alison Robertson, Principal Environmental Health into this email for their information

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LICENSING COMMITTEE INFORMATION SHEET
04 DECEMBER 2024

TYPE OF APPLICATION: Street Knowledge Test Exemption
APPLICANT: Michael Lionel McGarthland

INFORMATION NOTE

Mr McGarthland is applying for an exemption from having to pass the street knowledge test as required by current licensing policy.

Mr McGarthland’s reasoning for requesting the exemption is attached.

Licensing can confirm that no application form or medical certificate was ever received from Mr McGarthland who had previously held a Taxi Driver licence from before the year 2000 to 31/12/2023.

DESCRIPTION

Exemption from Street Knowledge Test

CONSULTEES

N/A

OBJECTIONS/REPRESENTATIONS

N/A

COMMITTEE GUIDELINES/POLICY

All applicants for the grant of a Taxi Driver Licence must have passed the street knowledge test within the last 6 months

I would like to request permission to be exempt from having to pass the street knowledge test as I have been a taxi driver in Aberdeen for 28 years.

I passed the medical last year and paid my fee but due to an error on my part, I think the application form was submitted to the wrong email address.

If approved, I will undertake a new medical and send the new medical certificate with the new application form to you.

I would like to take this opportunity to thank you for your help to resolve this issue and if further information is required, please do not hesitate to contact me.

Michael McGarthland.

LICENSING COMMITTEE INFORMATION SHEET
04 DECEMBER 2024

TYPE OF APPLICATION: Age of Vehicle Exemption
APPLICANT: Varinder Kumar Sood

INFORMATION NOTE

Mr Sood is applying for an Age of Vehicle exemption for SV66 HDG which was first registered on 13/10/2016 which is more than 3 years older than permitted for the grant of a Private Hire Car Licence.

Mr Sood reasoning for requesting the exemption is attached.

Members should note that despite the content of Mr Soods statement, no other vehicles of this make/model have been licensed with the same dimensions and the vehicle had not in fact been properly converted to a WAV, hence the refusal to licence it as a taxi.

Further members should also note that Mr Soods statement only states that he will not drive the vehicle on a regular basis- which may suggest that he intends to drive it occasionally despite being physically unable to do so, as per his statement to the committee when he was granted an exemption form WAV policy (to licence a saloon) in 2023

DESCRIPTION

Exemption from Age of Vehicle Policy

CONSULTEES

N/A

OBJECTIONS/REPRESENTATIONS

N/A

COMMITTEE GUIDELINES/POLICY

N/A

From: Varinder Sood

Sent: Monday, 23 September 2024 15:44:32 (UTC+00:00) Dublin, Edinburgh, Lisbon, London

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

Subject: Request to grant a private hire licence for over 5 year old Car

Good Afternoon

I am writing this email to make a request to grant a private hire licence for my Mercedes Vito (SV66HDG) which is over 5 year old now. I originally applied for a public hire licence for the same car around 2 and half years ago but the application was refused because of the dimensions required for the wheelchair passengers didn't match. This car is completely suitable for the passengers who do not need wheelchair and the car is in very good condition which can be checked at the time of hackney test.

I bought this car because a few other Mercedes vitos with the same dimensions as my car were licenced by Aberdeen city council at the time and during my representation in front of licensing committee, it was found out that there were some errors made on Council's part to licence those vehicles. I invested a lot of hard earned money on this car and by selling this car I won't be able to recover all the loses. If these cars were never licensed by Aberdeen city council then I would have never bought this car. I really hope that you'll understand that it was not my fault to buy this and I should not be facing any consequences.

I'm personally not able to drive this car on regular basis because of my health condition hence I am granted a public hire licence by the licensing committee for my saloon car but if my Mercedes Vito can be licensed then I can easily rent this car because of the high demand of licenced vehicles to fulfil my loses and pay off my debts.

If you'll need any more information then please do not hesitate to contact me.

Kind Regards

Varinder Sood

Exempt information as described in paragraph(s) 14 of Schedule 7A of the Local Government (Scotland) Act 1973.

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