

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 19 August 2024

LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in **Committee Room 2 - Town House** on **TUESDAY, 27 AUGUST 2024 at 10.00am**. 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

BUSINESS

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 5 June 2024 (Pages 5 - 18)
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- 5.3. Committee Business Planner (Pages 21 - 24)

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. No items under this heading

APPLICATIONS FOR LICENCES - INCLUDING LIST OF APPLICATIONS

- 9.1. House in Multiple Occupation (New) - 19 Primrosehill Gardens (Pages 25 - 30)
- 9.2. Short Term Let (Existing Operator) - 65 Oakhill Grange (Pages 31 - 44)
- 9.3. Short Term Let (Existing Operator) - 54 Shaw Road (Pages 45 - 56)
- 9.4. Short Term Let (Existing Operator) - 19 Woodlands Terrace (Pages 57 - 88)
- 9.5. Exemption from Policy - Wheelchair Accessible Vehicle - George Joseph McNulty (Pages 89 - 92)
- 9.6. Exemption from Policy - Age of Vehicle - Thomas Forbes (Pages 93 - 94)

CONFIDENTIAL ITEMS

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

- 10.1. Landlord Registration (New) (Pages 95 - 98)
- 10.2. Exemption from Policy - Wheelchair Accessible Vehicle (Pages 99 - 102)
- 10.3. Exemption from Policy - Wheelchair Accessible Vehicle (Pages 103 - 106)
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- 10.5. Exemption from Policy - Wheelchair Accessible Vehicle (Pages 111 - 114)
- 10.6. Exemption from Policy - Wheelchair Accessible Vehicle (Pages 115 - 118)
- 10.7. Exemption from Policy - Wheelchair Accessible Vehicle (Pages 119 - 122)
- 10.8. Exemption from Policy - Wheelchair Accessible Vehicle (Pages 123 - 126)

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

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

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LICENSING COMMITTEE

ABERDEEN, 5 June 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](#).

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 24 APRIL 2024

2. The Committee had before it the minute of its previous meeting of 24 April 2024, for approval.

The Committee resolved:-
to approve the minute.

MINUTE OF MEETING OF THE TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP OF 2 MAY 2024, FOR APPROVAL

3. The Committee had before it the minute of meeting of the Taxi and Private Hire Car Consultation Group of 2 May 2024.

The Committee resolved:-
to note 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:-
to note the contents of the planner.

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LOW EMISSION ZONE TIME-LIMITED EXEMPTION FOR TAXIS AND PRIVATE HIRE CARS - CR&E/24/170

5. With reference to article 5 of the minute of meeting of 6 September 2023, the Committee had before it a report by the Director of City Regeneration and Environment which provided an update on Glasgow City Council's approach to time-limited exemption from the Glasgow Low Emission Zone (LEZ) for taxi and private hire car operators.

The report recommended:-

that the Committee note the update on Glasgow City Council's time-limited exemption from the Glasgow LEZ for taxi and private hire car operators.

The Committee resolved:-

- (i) to approve the recommendation; and
- (ii) to instruct 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.

REVIEW OF LICENSING OF SHORT TERM LETS - F&C/24/171

6. With reference to article 21 of the minute of meeting of 6 September 2022, the Committee had before it a report by the Director of Housing, which provided an update on the operation of Short Term Let licensing within Aberdeen City since implementation on 1 October 2022, and sought approval of the updated Short Term Lets policy to enable the Council to continue licensing short-term lets under the 'Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022' (the 2022 Order).

The report recommended:-

that the Committee –

- (a) note the operation of the licensing scheme for Short Term Lets and enforcement of unlicensed operators within Aberdeen City; and
- (b) approve the updated Short Term Lets Policy with effect from 5 June 2024 as contained in Appendix 1.

The Committee resolved:-

to approve the recommendations.

PUBLIC CHARITABLE COLLECTION POLICY - CORS/24/172

7. The Committee had before it a report by the Director of Corporate Services which sought consideration of the position in relation to Public Charitable Collections and to determine whether a formal review process was required.

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The report recommended:-

that the Committee consider the current resolution in relation to Public Charitable Collections and determine whether a formal review process was required.

The Committee resolved:-

to agree that a formal review process for Public Charitable Collections would not be required.

TAXI AND PRIVATE HIRE DRIVER TRAINING - CORS/24/173

8. With reference to article 11 of the meeting of 19 February 2019, the Committee had before it a report by the Director of Corporate Services, which sought approval to establish a training qualification for all new and current taxi and private hire drivers.

The report recommended:-

that the Committee –

- (a) introduce the training qualification for all taxi and private hire drivers;
- (b) complete all necessary background works required to implement the program; and
- (c) provide one month's notice of the date of implementation on the Council's website.

The Committee resolved:-

- (i) to note recommendations (a) and (c) above;
- (ii) to approve recommendation (b) above; and
- (iii) to instruct the interim Chief Officer – Governance to submit a report to the Committee in due course following the completion of (b).

HOUSE IN MULTIPLE OCCUPATION (NEW APPLICATION) - 19 PRIMROSEHILL GARDENS

9. The Committee had before it a report by the Private Sector Housing Manager, which advised that the application was before the Committee for the reason that one letter of objection, appended to the report was submitted to the Private Sector Housing Team.

The Committee resolved:-

to defer this item to the next meeting of the Committee, to allow officers to clarify whether a second letter of objection was valid.

SHORT TERM LET (EXISTING OPERATOR) - 23 QUEEN'S HIGHLANDS

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

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SHORT TERM LET (NEW OPERATOR) - 83 BEACONSFIELD PLACE

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

The Committee resolved:-

to defer consideration of the application until the necessary upgrading works are completed, after which time the Chief Officer - Housing could grant or refuse the licence under delegated powers if appropriate.

SHORT TERM LET (EXISTING OPERATOR) - FLAT G, 20 RICHMOND STREET

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

SHORT TERM LET (NEW OPERATOR) - 44 GILCOMSTOUN LAND, KIDD STREET

13. The Committee were advised that the application had been granted under delegated powers.

SHORT TERM LET (EXISTING OPERATOR) - 38 FONTHILL AVENUE

14. The Committee were advised that the application had been granted under delegated powers.

SHORT TERM LET (EXISTING OPERATOR) - 33 QUEEN'S HIGHLANDS

15. The Committee were advised that the application had been granted under delegated powers.

SHORT TERM LET (EXISTING OPERATOR) - 46 QUEEN'S HIGHLANDS

16. The Committee were advised that the application had been granted under delegated powers.

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SHORT TERM LET (EXISTING OPERATOR) - 34 QUEEN'S HIGHLANDS

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

SHORT TERM LET (EXISTING OPERATOR) - 43 QUEEN'S HIGHLANDS

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

SHORT TERM LET (EXISTING OPERATOR) - 72 QUEEN'S CRESCENT

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

SHORT TERM LET (EXISTING OPERATOR) - 68 QUEEN'S CRESCENT

20. The Committee were advised that the application had been granted under delegated powers.

SHORT TERM LET (EXISTING OPERATOR) - 76 QUEEN'S CRESCENT

21. The Committee were advised that the application had been granted under delegated powers.

SHORT TERM LET (EXISTING OPERATOR) - 578 KING STREET

22. The Committee were advised that the application had been granted under delegated powers.

SHORT TERM LET (EXISTING OPERATOR) - 30 ALBURY ROAD

23. The Committee had before it a report by the Private Sector Housing Manager, which advised that the application was before the Committee for the reason that one letter of objection, appended to the report was submitted to the Private Sector Housing Team.

As a preliminary matter, Mrs Jocelyn Janssen, Private Sector Housing Manager advised that the objection letter had been received late, therefore the Committee required to consider whether it be accepted into the proceedings.

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The Committee resolved:-

to accept the late letter of objection into the proceedings.

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

The applicant was not in attendance, nor represented.

The objector was not in attendance, nor represented.

The Committee resolved:-

to defer consideration of the application until the necessary upgrading works are completed, after which time the Chief Officer - Housing could grant or refuse the licence under delegated powers if appropriate.

SHORT TERM LET (EXISTING OPERATOR) - SECOND FLOOR RIGHT, 52 UNION GROVE

24. The Committee had before it a report by the Private Sector Housing Manager, which advised that the application was before the Committee for the reason that one letter of objection, appended to the report was submitted to the Private Sector Housing Team.

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

The applicant's agent Mr Martin Snape was in attendance, spoke in support of the application and responded to questions from members.

The objector, Mr Benedict Mellor was in attendance, spoke in support of his letter of objection and responded to questions from members.

Both parties were given the opportunity to sum up.

The Committee resolved:-

to defer consideration of the application until the necessary upgrading works are completed, after which time the Chief Officer - Housing could grant or refuse the licence under delegated powers if appropriate.

SHORT TERM LET (NEW OPERATOR) - FLAT 10, 6 UNION ROW

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

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letter of objection, appended to the report was submitted to the Private Sector Housing Team.

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

The applicant's agent Mr Ally Pittendreich was in attendance, spoke in support of the application and responded to questions from members.

The objector was not in attendance, nor represented.

The Committee resolved:-

to defer consideration of the application until the necessary upgrading works are completed, after which time the Chief Officer - Housing could grant or refuse the licence under delegated powers if appropriate.

SEXUAL ENTERTAINMENT VENUE - VARIATION OF STANDARD CONDITIONS - BUGSY BROWNS

26. 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 December 2024; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 23 April 2024.

The licence holder's agent, Mr Neil Fraser was in attendance and spoke in support of his application and responded to questions from members.

PC Gary Forbes was in attendance and spoke in support of Police Scotland's letter of objection.

Both parties were given the opportunity to sum up.

The Convener, moved:-

that the Committee grant the application, subject to a review being undertaken, however her motion was not seconded, therefore in terms of Standing Order 29.13, the motion fell.

The Committee resolved:-

to refuse the variation of the standard licence conditions.

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TAXI DRIVER LICENCE (GRANT) - ABDELHAMID CHAFI

27. The Committee had before it an information note prepared by the Interim Chief Officer – Governance which advised that the application required to be considered by 26 July 2024.

The applicant was not in attendance, nor represented.

The Committee resolved:-
to refuse the licence.

TAXI AND PRIVATE HIRE CAR BOOKING OFFICE LICENCE (GRANT) - UBER SCOT LTD

28. 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 11 January 2025; and (2) 485 notifications in support of the application and 23 objections.

As a preliminary matter, Mr Sandy Munro, Legal Adviser advised that a further three letters of objection had been received after the required cut-off date, therefore the Committee required to consider whether they be accepted into the proceedings.

The Committee resolved:-
to accept the late objections into the proceedings.

The applicant's agents, Ms Caroline Loudon, Mr Jordan Little, Mr Paul King and Mr Matthew Freckelton were in attendance and spoke in support of the application and responded to questions from members.

Mr Adrian Watson (Aberdeen Inspired), Ms Dominique Dawson, Mr Brian Harrison and Mr Robert Nairn were in attendance and spoke in support of their letters of representation which supported the application.

Mr Paul Reynolds, Mr Raymond Mitchell, Mr Barry Coull, Mr Roderick Kennedy, Mr David Alita and Mr Chris Douglas (on behalf of the Taxi Trade representatives on the Taxi and Private Hire Car Consultation Group) were in attendance and spoke in support of their letters of objection, some of whom responded to questions from members.

All parties were given the opportunity to sum up.

The Committee resolved:-
to grant the licence.

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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.

STREET TRADER EMPLOYEE LICENCE - GRANT (AGENDA ITEM 10.1)

29. The Committee were advised that the licence was granted under delegated powers.

TAXI DRIVER LICENCE - GRANT (AGENDA ITEM 10.2)

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

The applicant and his representative Mr Russell McLeod were in attendance and spoke in support of the application and responded to questions from members.

PC Gary Forbes 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 10.3)

31. 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 July 2024; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 23 October 2023.

The licence holder, his spouse and his trade union representative, Mr Peter Cambell were in attendance and spoke in support of the application and responded to questions from members.

PC Gary Forbes was in attendance and spoke in support of Police Scotland's letter of representation.

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Both parties were given the opportunity to sum up.

The Committee resolved:-

to grant the licence.

TAXI LICENCE - RENEWAL (AGENDA ITEM 10.4)

32. 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 31 December 2024; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 16 April 2024.

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

PC Gary Forbes 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)

33. The Committee had before it an information note prepared by the Interim Chief Officer – Governance which advised that the application required to be considered by 23 July 2024.

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

The Committee resolved:-

to defer consideration of the application to allow a medical report to be received from the Council's medical provider by 23 July 2024 (the date by which the application must be determined) and should the applicant meet DVLA Group 2 Standards, the Chief Officer - Governance could grant the licence under delegated powers, otherwise refuse the licence if a medical report does not meet the aforementioned standards or if the medical report is received after the date. In the event the application is refused as the report has not been received by the relevant date and a report confirming the applicant meets DVLA Group 2 standards is received after the relevant date, the Chief Officer - Governance may waive the application fee for the grant of a Taxi Driver's licence and waive the requirement for the applicant to resit the Street Knowledge Test.

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EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 10.6)

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

The licence holder was in attendance with their trade union representative Mr Peter Cambell, they spoke in support of the exemption request and responded to questions from members.

The Vice Convener moved:-

that the Committee refuse the request for exemption, however his motion was not seconded, therefore in terms of Standing Order 29.13, the motion fell.

The Committee resolved:-

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

EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 10.7)

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

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

The Committee resolved:-

to defer consideration of this item until the next meeting of the Committee, to allow receipt of medical information from the applicant's GP.

EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 10.8)

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

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

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The Committee resolved:-

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

EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 10.9)

37. The Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance, which advised that the applicant was seeking an exemption from the Wheelchair Accessible Vehicle policy; (2) correspondence relating to the exemption request.

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

The Convener, seconded by the Vice Convener, moved:-

that the Committee defer consideration of this item until the next meeting of the Committee, to allow receipt of medical information from the applicant's GP.

Councillor Henrickson, seconded by Councillor MacGregor, moved as an amendment:-

that the Committee grant the request for exemption from the Wheelchair Accessible Vehicle Policy.

On a division, there voted:- for the motion (5) – the Convener, the Vice Convener and Councillors Clark, McLeod and van Sweeden; for the amendment (3) – Councillors Henrickson, Lawrence and MacGregor.

The Committee resolved:-

to adopt the motion, therefore to defer consideration of this item until the next meeting of the Committee, to allow receipt of medical information from the applicant's GP.

EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 10.10)

38. The Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance, which advised that the applicant was seeking an exemption from the Wheelchair Accessible Vehicle policy; (2) correspondence relating to the exemption request.

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

The Convener, seconded by the Vice Convener, moved:-

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that the Committee refuse the request for exemption from the Wheelchair Accessible Vehicle Policy.

Councillor van Sweeden, seconded by Councillor MacGregor, moved as an amendment:-

that the Committee grant the request for exemption from the Wheelchair Accessible Vehicle Policy.

On a division, there voted:- for the motion (5) – the Convener, the Vice Convener and Councillors Clark, Henrickson and McLeod; for the amendment (3) – Councillors Lawrence, MacGregor and van Sweeden.

The Committee resolved:-

to adopt the motion, therefore to refuse the request for exemption from the Wheelchair Accessible Vehicle Policy.

At this juncture, the Committee agreed to suspend Standing Order 40.2 to extend the length of the meeting.

EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 10.11)

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

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

The Committee resolved:-

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

EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 10.12)

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

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

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The Vice Convener, seconded by the Convener, moved:-
that the Committee defer consideration of this item until the next meeting of the Committee to allow receipt of further medical information from the applicant's GP.

Councillor van Sweeden, seconded by Councillor MacGregor, moved as an amendment:-
that the Committee grant the request for exemption from the Wheelchair Accessible Vehicle Policy.

On a division, there voted:- for the motion (5) – the Convener, the Vice Convener and Councillors Clark, Henrickson and McLeod; for the amendment (3) – Councillors Lawrence, MacGregor and van Sweeden.

The Committee resolved:-

to adopt the motion, therefore to defer consideration of this item until the next meeting of the Committee to allow receipt of further medical information from the applicant's GP.

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

LICENSING SUB COMMITTEE

ABERDEEN, 9 August 2024. Minute of Meeting of the LICENSING SUB COMMITTEE. Present:- Councillor Al-Samarai, Convener; Councillor , Vice-Convener; and Councillors Delaney, Henrickson and Lawrence.

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.

REQUEST FOR THE SUSPENSION OF A TAXI DRIVER'S LICENCE

2. The Sub Committee had before it (1) an information note prepared by the interim Chief Officer – Governance (Legal); and (2) a letter dated 1 July 2024 from the Chief Superintendent, North East Division, Police Scotland, which in terms of schedule 1, of sections 12 and 11 of the Civic Government (Scotland) Act 1982, requested the suspension of the licence holder's Taxi Driver's Licence and Taxi Licence.

The licence holder was in attendance, accompanied by his solicitor, Mr Dean Purdie, who spoke in support of the licence holder and responded to questions from members.

PC Forbes was in attendance and spoke in support of the letter from Police Scotland and responded to questions from members.

Both parties were given the opportunity to sum up.

The Sub Committee resolved:-

- (i) to suspend the licence holder's Taxi Driver's Licence with immediate effect for its unexpired portion in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 on the grounds that the carrying on of the activity to which the licence related had caused, would cause or was likely to cause undue public nuisance or a threat to public order or public safety; and
- (ii) to suspend the licence holder's Taxi Licence with immediate effect for its unexpired portion in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 on the grounds that the carrying on of the activity to which the licence related had caused, would cause or was likely to cause undue public nuisance or a threat to public order or public safety.

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

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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			20 August 2024						
4	Second Hand Dealer's Licence Resolution	to review existing resolution and determine if a review exercise is required		Sandy Munro	Governance	Corporate Services	16.3	D	delayed due to a transitional period for consultation exercise providers
5	Public Entertainment Licensing Resolution	to consider the results of the review of Public Entertainment Licensing Resolution		Sandy Munro	Governance	Corporate Services	16.3	D	delayed due to a transitional period for consultation exercise providers
6			9 October 2024						
7	Taxi & Private Hire Policy	to review existing policy and determine if a review exercise is required		Sandy Munro	Governance	Corporate Services	16.3	R	to remove this item from the planner for the timebeing to give the Street Knowledge Test changes time to bed-in. Officers to bring this back at the appropriate time.
8	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		Hazel Stevenson	Governance	Corporate Services	16.3		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference Number	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2	Taxi Demand Survey (including Review of Taxi Ranks)	<p>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.</p> <p>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.</p>	the Committee on 24/4/24 noted that the procurement exercise was taking longer than anticipated. Report was now scheduled for October Committee	Sandy Munro	Governance	Corporate Services	16.3	D	Delayed to December to provide survey provider sufficient time to gather meaningful data.
9	Membership of the Taxi and Private Hire Car Consultation Group.	The purpose of this report is to consider changes to the membership of the Taxi and Private Hire Car Consultation Group	The Committee on 24/4/24 noted that Officers will be reviewing all aspects of the Taxi and Private Hire Car Consultation Group including membership and Remit over the Summer and a report will be submitted to the Committee at their meeting on 9 October 2024	Mark Masson	Governance	Corporate Services	Intro 3		
10									
11			4 December 2024						
12	Street Trader's Licence Policy	to review existing policy and determine if a review exercise is required		Sandy Munro	Governance	Corporate Services	16.3		
13	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		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference Number	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
	Taxi Fleet Composition	The Licensing Committee on 15/3/23 agreed that a report on the options for a mixed taxi fleet be brought to Committee at its meeting on 6 September 2023	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		
14									
15			TBC/2025						
16	Sexual Entertainment Venue Licensing Policy	Potential Review of Policy	likely to be first meeting of 2025	Sandy Munro	Governance	Corporate Services	16.3		
17	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		
18	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		

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LICENSING COMMITTEE INFORMATION SHEET

27 August 2024

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (NEW)

APPLICANT: DEVENDER NARULA

AGENT: NONE

ADDRESS: 19 PRIMROSEHILL GARDENS, ABERDEEN

INFORMATION NOTE

- Application Submitted 17/04/2024
- Determination Date 16/04/2025

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 since at the time of drafting this report, the necessary upgrading works and certification have been completed.

DESCRIPTION

The property at 19 Primrosehill Gardens, Aberdeen, is the subject of this new HMO licence application and its accommodation is a semi-detached house comprising on the ground floor, 2 letting bedrooms, lounge, kitchen and bathroom, with 2 letting bedrooms on upper floor. 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 email from Lisbeth-Anne McLaughlin (Attached as Appendix B)
- One representation email from Devender Narula (Attached as Appendix C)

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

COMMITTEE GUIDELINES/POLICY

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

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

GROUNDS FOR REFUSAL

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

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

OTHER CONSIDERATIONS

- The applicant is as a landlord with this Council however their registration does not include 19 Primrosehill Gardens.
- The Council's Community Safety Team has one record of complaint regarding the positioning of CCTV at No.19 Primrosehill Gardens from April 2021.
- There are currently no HMO licensed properties at Primrosehill Gardens, only pending HMO applications for No.17 and No.19 Primrosehill Gardens. There are currently no HMO licensed properties at Primrosehill Drive, Aberdeen.
- The property is currently unlicensed and the application under consideration is a new 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.





From: Devender Narula
Sent: Wednesday, May 8, 2024 3:13 PM
To: HMOUnit <HMOUnit@aberdeencity.gov.uk>
Subject: Re: HMO Licence Application - 19 Primrosehill Gardens

Hi Rachel

Q. The property is a three-bedroom semi-detached family home.

Ans: Yes, the property is a three-bedroom home, which is why we are applying for three people to live in it together. I believe all areas in Aberdeen are family-friendly, and since they will be leaving their families to come to Aberdeen, it would be nice for them to live in this area and not feel homesick, thus bringing a positive energy to the area.

Q. The property is situated next to a currently licensed HMO - 17 Primrosehill Gardens, which has been empty for nearly a year.

Ans: I spoke to the owner of 17 Primrosehill Gardens, and for the past year, he has been trying to give it to a family but has been unsuccessful. That's why it has been left empty. However, he is now planning to let it to students again since the property is very close to the University and hospital, making it ideal for students and professionals like yourself.

Q. The property is in a residential area occupied mainly by the elderly.

Ans: I believe it's a mix; there are a few HMOs, a few elderly residents, and a few families living there. I think my tenants will bring positive vibes to the environment.

Q. In addition to the property at 17 Primrosehill Gardens, a further property at 36 Primrosehill Drive is also an HMO, which would mean three HMO properties within a short distance of one another.

Ans: 36 Primrosehill Drive is on a different street and a bit far from this property. As for the only other HMO, I already explained the situation: they tried to let it to a family, but it remained empty for some time. Now, as it has an HMO license, three students are moving into the property soon. They are medical students at the University of Aberdeen.

Q. Parking would also be a problem.

Ans: There is plenty of space on the street to park cars. Fortunately, there is a park in front of the house and not another row of houses. Additionally, I am providing a garage with this property where two cars can park vertically. I also have a drive-through where two extra cars can park comfortably. Therefore, I can include this condition in the lease that my tenants should park their cars in the garage or drive-through.

Please, if you have any other concerns, let me know, and I will be happy to address them. I also want my tenants to become positive contributors to society and become part of this area.

Regards

Devender

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LICENSING COMMITTEE INFORMATION SHEET

27 August 2024

Public Application

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

APPLICANT: DANIEL CHEW

PROPERTY MANAGER: CRAIG MCPETRIE

ADDRESS: 65 OAKHILL GRANGE, ABERDEEN

INFORMATION NOTE

- Application Submitted 29/09/2023
- Determination Date 28/09/2024

This Short Term Let licence application is on the agenda of the Licensing Committee for the reason that 5 representations/objections were submitted to the Private Sector Housing Team.

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

DESCRIPTION

The property at 65 Oakhill Grange, Aberdeen, is the subject of this new Short Term Let licence application and its accommodation comprises of a flatted property, 2 bedrooms (1 ensuite), bathroom, open plan kitchen lounge. The applicant wishes to accommodate a maximum of 4 guests, which is acceptable in terms of space and layout. The location of the premises is shown on the plan attached as Appendix A.

CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- Aberdeen City Council's Planning Team
- A public Notice of Short Term Let Application was displayed outside the building, alerting the public to the licence application.

REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- Aberdeen City Council's Planning Team – Planning not required
- One objection email from Kal Masia (Attached as Appendix B)

- One objection email from Liam Anderson (Attached as Appendix C)
- One objection letter from M. McMahon (Attached as Appendix D)
- One objection letter from Gladys Ferguson (Attached as Appendix E)
- One objection email from Robbie Gauld (Attached as Appendix F)

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

COMMITTEE GUIDELINES/POLICY

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

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

GROUNDS FOR REFUSAL

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

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

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

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

(i)for the time being disqualified under section 7(6) of this Act, or

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

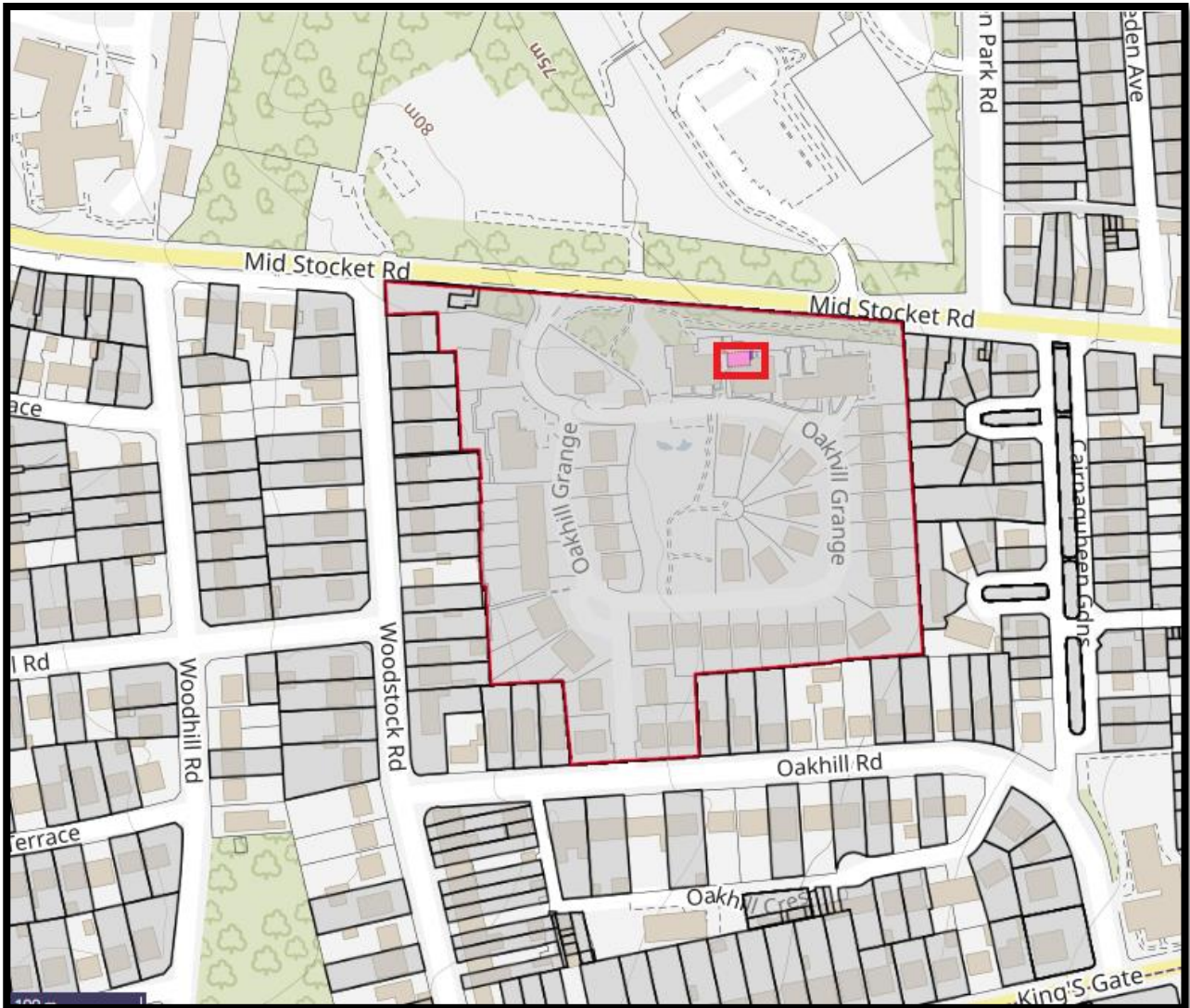
(v)public order or public safety; or

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

OTHER CONSIDERATIONS

- Landlord Registration is not a requirement of Short Term Let licensing.
- The Council's Community Safety Team has no record of any anti-social behaviour complaints in respect of 65 Oakhill Grange, Aberdeen.
- There are no Granted Short Term Let licenses at Oakhill Grange Aberdeen.
- The property is currently unlicensed. However as the applicant was an existing operator before 01 October 2022, the property is currently operating as a Short Term Let until the Licence application is determined.
- The Notice of Display was re-displayed (as requested by the Private Sector Housing Team) in a suitable location outside the property from 23 April 2024 for the statutory 21 day time period. A timeline of events is included within Appendix G, demonstrating communication between the Private Sector Housing Team and Property Manager of 65 Oakhill Grange, Aberdeen.
- Information within the Deed of Conditions is not a ground for refusing a Short Term Let licence within the legislation. Licensing cannot be used to enforce other legal issues and that would have to be enforced via other means.

'A'



'B'

From: KAL MASIA

Sent: Sunday, October 1, 2023 10:39 PM

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

Subject: Objection to application at 65 oakhill grange aberdeen AB15 5EA

Dear sirs

I had previously noticed a number of different guests staying at the above property.

I have now noticed that there is an application/license for this property to be a short term let. Licence number AC19261P. UPRN 9051140611.

I hereby formally object to this license being granted including but not limited to the reasons stated below:

(1) the proprietors of the property have not provided notice to the other residents of their intention to use the property as a short term let (as is required under your guidelines at paragraph 6). Therefore they have not given the other residents of the flats a fair or reasonable chance to object.

(2) the buildings insurance is paid for by all proprietors of the properties and arranged by our factors (James Gibb). By allowing the property to be used as a short term let, this unfairly increases the risk on the other proprietors. It is also unknown, if the applicant has checked with the factors or our insurance provider to confirm that under the terms of the policy any damage cause under a short term let would be covered and that this would not invalidate the policy.

(3) the building shares a single access way to all flats, by allowing a short term let this increases noise and risk to all other occupants of the building.

(4) the development has 10 visitor (private) parking spaces (not adopted by the council) that are intended to be used by visitors of the residents of the properties (i.e visitors to permanent residents). These spaces are often nearly always in use, by allowing a short term let this prevents all residents being able to enjoy equal use of their shared right to these spaces as additional spaces will be taken up by persons staying.

Owner of [REDACTED].

Kind regards
Kal Masia

'C'

From: Liam Anderson
Sent: Sunday, October 22, 2023 6:23 PM
To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>
Subject: 65 Oakhill Grange Jura House

Dear Sir or Madam,

My name is Liam Anderson and I live at [REDACTED].

I am writing to confirm my objection to the short term let license application which has been submitted for the subject property due to the following reasons:

Constant occurrences of anti-social behaviour from the guests. E.g. Holding parties against the house rules which exceed the 11pm curfew, droves of guests arriving late at night/leaving early in the morning in taxis, damage caused to the front entrance door because guest don't know how to operate it or they don't have the pin code, guests standing outside on the balcony all night long talking and smoking, guests slamming doors, using the lifts late at night causing disturbances to the residents.

Waste management issues, guests/cleaners dumping black bags of general waste in the recyclables bins ignoring the requirement for waste separation. Guests discard empty alcohol drinks cans and bottles outside the building/grounds of the development.

The property is a two bedroom apartment with a maximum occupancy of 4 but we have seen 2 or 3 times that number of people staying at the property on multiple occasions.

The host is creating a security risk for the owners/tenants by giving guests the PIN code for the front door which might be passed on. What is to stop this being used for criminal activity?

Frequently guests illegally park overnight, during the day in the visitors car park including work related vehicles, vans, small trucks, diggers.

It is written into the deeds of these apartments that they shall not be used to operate businesses. The host is not a resident therefore it could be judged that the apartment is being used as a business which may negatively impact our building insurance.

As of today the host has not complied with the requirement to display a Notice outside of the property confirming to all Jura residents that a STL licence application has been submitted.

Thank you,

Best Regards,

Liam Anderson

'D'

Aberdeen
AB15 5EA

25 October 2023

To Whom It May Concern

Objection: Short Lets Licence– 65 Oakhill Grange, Aberdeen

Response to Members' Enquiry Ref. : [REDACTED]

Summary: Oakhill Grange, AirBnB and title deeds

I wish to submit an objection against 65 Oakhill Grange in being granted a Short Lets Licence.

1. There was no notice displayed either outside their door or on the ground floor noticeboard. Therefore, no opportunity for owners to raise an objection which means they would miss the timescale. See attached photographs taken on Friday, 20 October 2023.
2. When I bought my apartment, I asked if I need a security alarm. I was informed by the building company that I bought the apartment from that the apartment blocks had a secure system and I would not need a security alarm. The secure system is using a fob and under no circumstances had the code to any of apartment blocks be issued. This has failed since No.65 has the code access and it is handed out to all their guests which now allows them to roam the apartment block and the underground car park which is private. The owner has also defaced communal property by attaching a lockbox to the facing of the door. They never asked or received permission.
3. This apartment block shares the communal path with the apartment block opposite. The continual change of guests and their lifestyle will cause considerable annoyance and frustration to all. Owners want to enjoy living in their apartment but this will be difficult if the licence is granted and they don't know who and how many people will be lodging in the apartment and what destruction they could cause. There are 19 apartments in this block so why should the other 18 owners incur extra costs through Short Lets?
4. This is a lovely estate to live in and not a place for tourists to reside. Aberdeen has many hotels, B&Bs, guest houses and service apartments (eg. The Spires, Kepplestone) which tourism is their livelihood. So why is Aberdeen City Council encouraging Short Lets?

This apartment advertises on Airbnb/Trivago/Booking.com. On Booking.com, it states entry to apartment is up to 23:30, and vacating the apartment from 00:00, which I think are hotel times not for a private apartment in an apartment block. At that time of night with the rattling of suitcase/s on the communal path, taxis arriving/leaving and chatting – when do we (people living at each side of the communal path) that have bedroom windows facing onto the communal area get to sleep? Any disturbances late at night causes sleepless nights. How do we know if these guests are up to date with Covid vacations and any other vacations for future viruses?

Who is monitoring the number of guests in the apartment at one time? Recently there have been 2 separate families of 5 people occupying the apartment. One family had their own sheets, pillow and quilt. This apartment is far too small for 4 adults and not suitable for children.

There was an incident on June 03 when an owner's sleep was disturbed by 7 people arriving at 01:00 in 3 taxis. They were running up and down the street. 5 of these people left in taxis at 09:00 that morning. I believe an owner in this block contacted Airbnb with a complaint.

If licence is granted, you will allow access to other owners in these apartment blocks to apply for the Short Let licence causing this prime area standards to deteriorate rapidly. If a licence is granted to this apartment, I believe that all the apartments in the area will devalue greatly. I did not pay a substantial amount of money for my apartment with security to allow guests to wonder freely through the apartment block. Several owners bought their apartment to enjoy retirement and enjoy their time on this lovely estate. If the licence is granted the enjoyment living in these apartments and surrounding area will be stolen by the greed of this owner. If this licence is granted, this Short Let would then become a business that is not permissible under the Deed of Conditions which will cause extra to all apartment owners by way of building insurance costs and any damage these guests may cause. This not a holiday village. This is a residential area.

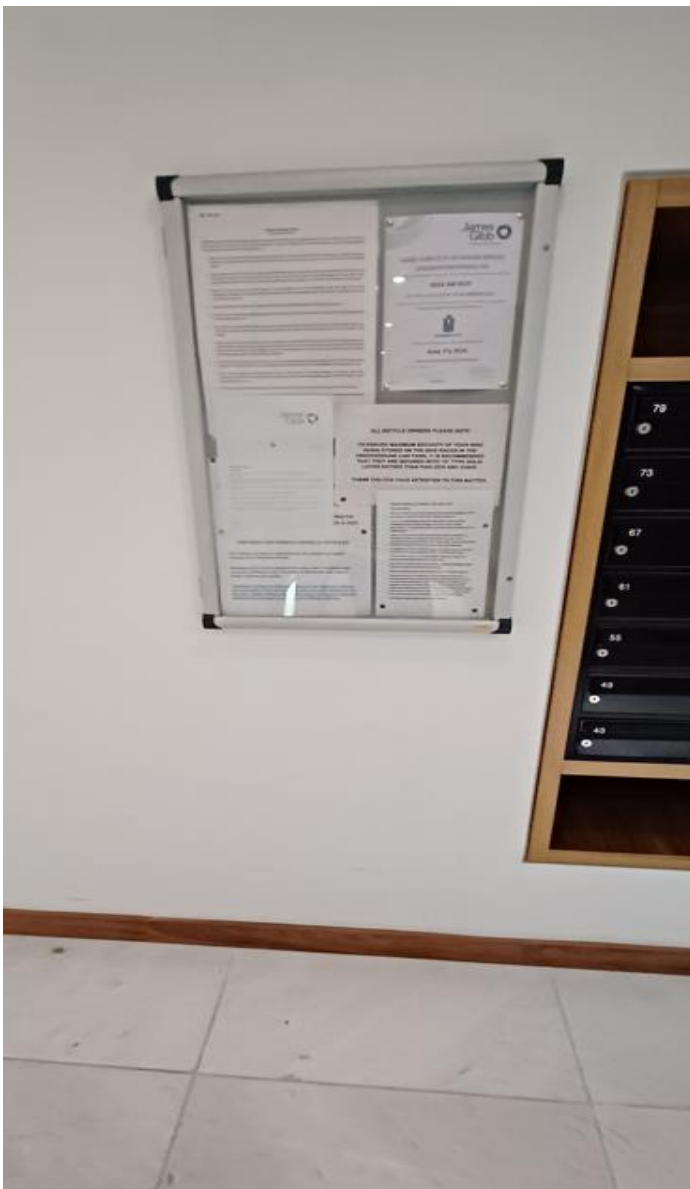
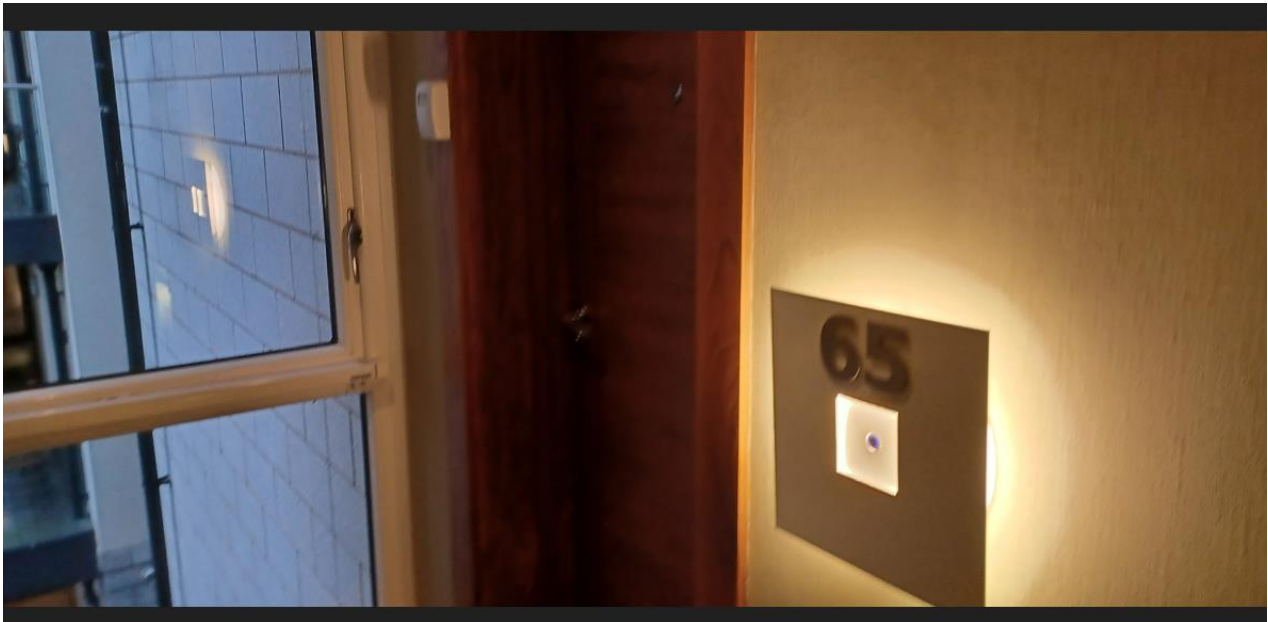
I expect someone from ACC will be inspecting the apartment before any licence is passed?

Look forward to hearing the outcome and the number of objections that were received for the address.

Regards



Mrs M McMahon



'E'

Housing & Environment
DATE RECEIVED
25 OCT 2023
Private Sector Housing Unit

[REDACTED]

ABERDEEN AB15 5EA
23-10-23

Private Sector Housing Unit

Dear Sirs

Re: [REDACTED]

OAKHILL GRANGE AIR BNB

As regards the above property I am
tendering an objection to the application.
There has been no notice displayed to inform
the residents of Gusa House that this
application is in progress.

In the past we (the residents) have
been subjected to unacceptable noise
& behaviour & also the number
of residents using No 65 Oakhill Grange.

Yours sincerely

[REDACTED]

'F'

From: Robbie Gauld
Sent: Wednesday, October 25, 2023 6:00 PM
To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>
Subject: Opposition to Short Term Let

Dear Sir or Madam

I object to 65 Oakhill Grange being licensed for Short Term Lets. I am the homeowner of [REDACTED] and have experienced noise disturbances when guests have stayed at the property.

Please confirm receipt of this email.

Kind regards

Robbie Gauld



Email Timeline Between -

Private Sector Housing Officer and Property Manager of 65 Oakhill Grange, Aberdeen

- **02/11/23 08:04**

Private Sector Housing Officer advised Property Manager the Notice would need to be redisplayed for 21 days as discussed at building. Photos requested from original Notice.

- **02/11/23 16:37**

Property Manager advised of illness and asked someone from the office redisplay Notice.

- **03/11/23 07:58**

Private Sector Housing Officer requested Property Manager to confirm when Notice was in place so the Private Sector Housing Officer could take photos.

- **03/11/23 10:12**

Property Manager advised Notice was done previous night and had asked colleague to send photos of previous notice.

- **03/11/23 14:04**

Private Sector Housing Officer advised the Property Manager no Notice in place.

- **03/11/23 16:23**

Property Manager advised Notice was in place on main road outside development and advised this may be why it wasn't seen by neighbour who complained.

- **15/02/24 09:14**

Private Sector Housing Officer contacted Property Manager and provided 3 dates for a property inspection.

- **15/02/24 14:22**

Property Manager advised they were away and back following week.

- **15/02/24 14:46**

Private Sector Housing Officer advised of availability for week of 26th - available every day for 10:30am or 2:00pm visit to the property.

- **15/02/24 14:55**

Property Manager asked if a visit could be scheduled for 1st March at 2:00pm.

- **15/02/24 18:47**

Private Sector Housing Officer confirmed visit for 2:00pm on 1st March.

- **29/02/24 12:41**

Property Manager advised had to head away for work, and requested to **reschedule** inspection to the following week after return on Tuesday/Wednesday.
- **29/02/24 12:50**

Private Sector Housing Officer advised Property Manager was available both Thursday and Friday, and to advise which was suitable.
- **05/03/24 10:24**

Private Sector Housing Officer requested provision of dates for both periods the Notice had been displayed.
- **06/03/24 11:08**

Property Manager advised was back in Aberdeen and had huge amount of work and requested the inspection is **rescheduled** to following week any time after Tuesday.
- **07/03/24 16:13**

Private Sector Housing Officer advised Property Manager to send photos by 5:00pm on 8/3/24 showing Notice at or near building, and advised Licensing Committee attendance will likely be deferred. Private Sector Housing Officer advised was available for visit on 11/13 or 15th March. Private Sector Housing Officer also advised would give further guidance on where the Notice should be located at time of visit.
- **14/03/24 14:21**

Property Manager apologised for delay in replying and requested if something could be booked in for following week.
- **15/03/24 14:43**

Private Sector Housing Officer provided dates for 19th/20th/21st of March for possible inspection.
- **15/03/24 14:44**

Property Manager advised 21st March at 2:00pm was suitable.
- **20/03/24 20:23**

Property Manager advised would need to **postpone** inspection as a guest had been booked in on 20th and didn't want inspection to be carried out whilst they were there.
- **23/04/24 09:41**

Property Manager provided photos of Notice in correct location.
- **23/04/24 09:48**

Private Sector Housing Officer replied to an earlier email and requested availability for inspection visit.

- **26/04/24 11:53**
Property Manager asked about availability for following week.
- **26/04/24 14:17**
Private Sector Housing Officer advised was on holiday that week and would liaise with colleagues to organise visit. Another Private Sector Housing Officer organised to visit and received a phone call from the Property Manager about half hour before visit to cancel.
- **09/05/24 10:07**
Private Sector Housing Officer emailed Property Manager in response to voicemail message, visit organised for 24th May.
- **22/05/24 14:16**
Property Manager emailed to advise couldn't make visit on 24th May and colleague cannot manage. Property Manager asked if there was availability for Monday/Tuesday the following week.
- **24/05/24 08:25**
Private Sector Housing Officer responded to email of 22/05/24 from the Property Manager advising the Property Manager to provide a specific date and time suitable and the Private Sector Housing Officer advised they will ensure they can attend. No response received from the Property Manager to that email request.
- **14/06/24 16:07**
Private Sector Housing Officer contacted the Property Manager to request an update on the certificates for property and requested availability for a site visit.
- **14/07/24 10:19**
Property Manager emailed requesting availability for week beginning 22nd July.
- **15/07/24 09:14**
Private Sector Housing Officer replied with available dates for an inspection.
- **17/07/24 09:23**
Property Manager emailed to advise Friday 26th at 11:00am would suit.

Visit was organised for 26th July however the Property Manager was not present. The Private Sector Housing Officer contacted the Property Manager who advised it wasn't in the diary as they thought it wasn't confirmed.
- **30/07/24 14:07**
Visit **rescheduled** for 9th August at 11:00am at request of Property Manager as suitable date.
- **09/08/24**
Property Inspection took place.

LICENSING COMMITTEE INFORMATION SHEET

27 August 2024

Public Application

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

APPLICANT: KIRK HARRISON

PROPERTY MANAGER: RJH ACCOMMODATION LIMITED

ADDRESS: 54 SHAW ROAD, ABERDEEN

INFORMATION NOTE

- Application Submitted 26/09/2023
- Determination Date 05/12/2024

This Short Term Let licence application is on the agenda of the Licensing Committee for the reason that 1 representation/objection was submitted to the Private Sector Housing Team.

If, after consideration of the representation/objection, the Committee is minded to grant the Short Term Let licence, it may do so under delegated powers since at the time of drafting this information note, the necessary upgrading works and certification have not been completed.

DESCRIPTION

The property at 54 Shaw Road, Aberdeen, is the subject of this new Short Term Let licence application and its accommodation comprises of a mid-terraced, 3 storey townhouse, 4 bedrooms, lounge, kitchen and bathroom. The applicant wishes to accommodate a maximum of 6 guests, which is acceptable in terms of space and layout. The location of the premises is shown on the plan attached as Appendix A.

CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- Aberdeen City Council's Planning Team
- A public Notice of Short Term Let Application was displayed outside the building, alerting the public to the licence application.

REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- Aberdeen City Council's Planning Team – Planning Granted 03/06/2024
- One objection letter from Alastair Macdonald (Attached as Appendix B)

- Representation from RJH Accommodation (Attached as Appendix C)

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

COMMITTEE GUIDELINES/POLICY

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

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

GROUNDS FOR REFUSAL

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

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

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

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

(i)for the time being disqualified under section 7(6) of this Act, or

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

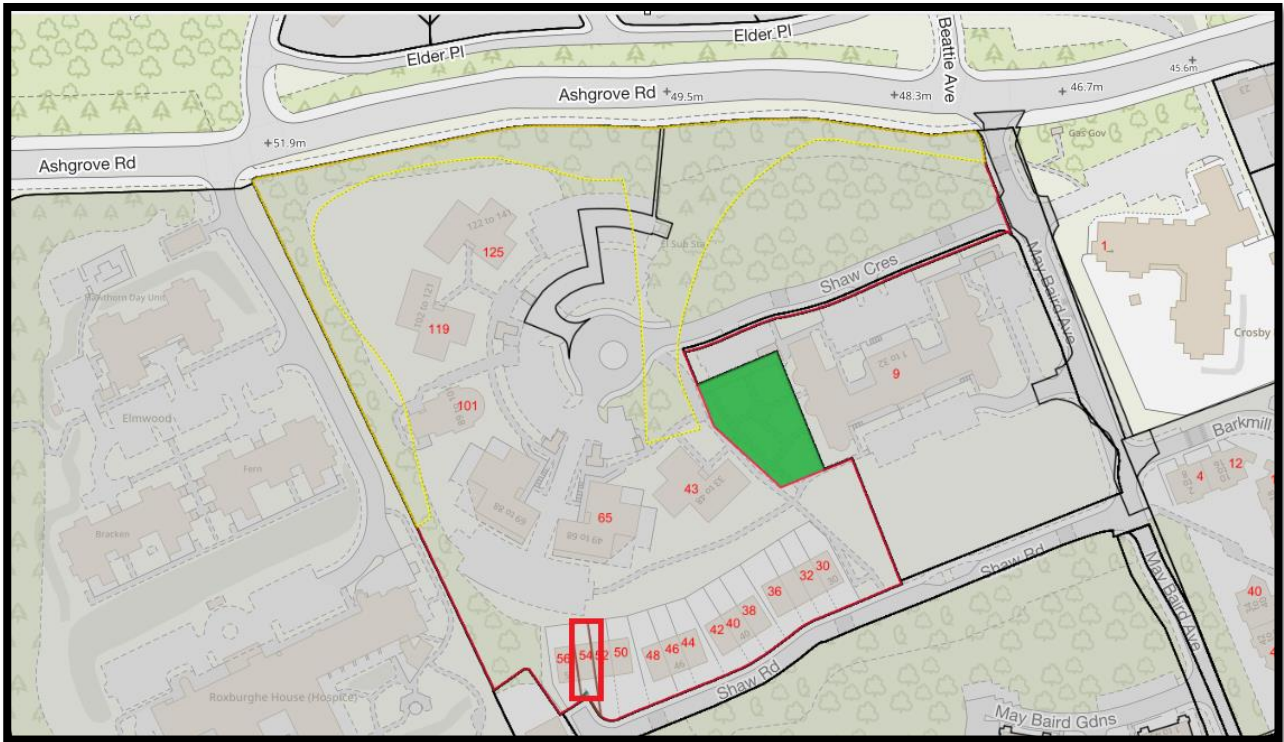
(v)public order or public safety; or

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

OTHER CONSIDERATIONS

- Landlord Registration is not a requirement of Short Term Let licensing.
- The Council's Community Safety Team has no record of any anti-social behaviour complaints in respect of 54 Shaw Road, Aberdeen.
- There is one Granted Short Term Let licence at 64 Shaw Road, Aberdeen.
- The property is currently unlicensed. However as the applicant was an existing operator before 01 October 2022, the property is currently operating as a Short Term Let until the Licence application is determined.

'A'



Short Term Let Unit,
Early Intervention & Community Empowerment
Business Hub 11
Second Floor West
Marshal Collage
Broad Street
Aberdeen
AB10 1AB

Alastair Macdonald

[REDACTED]
Aberdeen
AB25 3BS
[REDACTED]

Subject : Short Term Lease 54 Shaw Road Aberdeen

Date: 23rd October 2023

With reference to the application for short term let licence for 54 Shaw Road Aberdeen I have the following objection to this application:

AM-PM have been operating short term lets at this address and no. 46 for several years, these lets are extremely poorly managed with the following points highlighted:

Disposal of Household Waste

AM-PM are unable to manage household waste for these properties with bins left overflowing in bins or often just left on the ground. This attracts vermin who drag waste material from bin bags resulting it being scattered around the road. I have personally seen mice, foxes, crows, and magpies attracted to unmanaged waste.

I've supplied the bin schedule to properties management company on a number of occasions but they are still unable to manage the situation. Please find below photos of examples of this poor management.



54 Shaw Road 22 Oct 23



54 Shaw Road 8 Oct 23

Aberdeen City Council
Planning & Environment
DATE RECEIVED
25 OCT 2023

Parking of Commercial Vehicles

The management company regularly hire to companies/persons who are parking commercial vehicles in the drive or on the road which is double yellow lines, this is in contradiction to the deeds of the property which exclude the parking of any commercial vehicles on Shaw Road.

Again, see below photos of commercial vehicle parking:



54 Shaw Road



46 Shaw Road

If you require further details on the above, please contact me ref. details supplied above.

Yours faithfully



Alastair Macdonald

Responses to objections to short term let application for 54 Shaw Road, Aberdeen

It is noted only 1 objection has been lodged against the application and this objection is confined to two main issues, an incident that occurred on the 22nd October 23 where household rubbish was left outside the main door and the parking of commercial vehicles on the driveway.

First, regarding household rubbish. We employ a professional firm of cleaners to clean the property at 54 Shaw Road, Aberdeen on a weekly basis, and sometimes more often depending when a guest checks out.

As can be seen from the attached letter from the cleaning company, part of their weekly cleaning regime is to empty the bins and put the household rubbish either in the bin provided, or if there is additional rubbish in the communal street bins provided. This is also done on a check out.

A guest must check out by 11.00am on the day of check out and the cleaners usually arrive at the property to clean as close to 11.00am as they can. It is believed the rubbish could only have been like this for a matter of a few minutes or a few hours at most. On the cleaner's arrival the rubbish was picked up and immediately disposed of.

The cleaning company log any incident such as this and have confirmed this is the only incident like this they have ever encountered at this property. Apart from this one incident referred to by the objector we are not aware this has happened at any other time in the last 10 years or so that we have been managing this property.

Regarding the photo taken on the 8th October 2023, the cleaning company have confirmed they were allocated to clean the property on this day and a staff member noticed the extra bag on top of the bin and were unable to close it. The cleaner removed the black bag at the top and disposed of it in the communal street bins.

The bin schedule is printed out from Aberdeen City Council's website on a regular basis and included in the guest information in the property.

Regarding the parking of commercial vehicles. It is noted the objector has submitted a single photograph of a commercial vehicle parked on the private driveway of number 54 Shaw Road, Aberdeen. We would not have thought this would cause any major issue to anyone and there is no evidence this is a common occurrence or for what period of time this occurred. Further, no copy of the title deeds has been provided so it is not possible to check if this breaches their terms or not.

It is noted the licensing committee do not get involved in potential breaches of title deeds.

Enclosure referred to:

1. Letter from Loyal Maid Cleaning
2. Aberdeen City Council Bin Schedule



To Whom it may concern

My name is Jona Kemp and I own the cleaning company Loyal Maid Aberdeen Cleaning Services. I have been operating in the Aberdeen area since 2013 and now employ a number of hardworking staff. All of my staff are fully trained and reference checked. My passion is to provide a quality cleaning service to clients specifications to a high standard.

We cleaned the serviced apartment properties at 46 and 54 Shaw Road, Aberdeen during the whole of 2023 on a weekly basis and sometimes more often than that. As part of our cleaning regime all rubbish been collected inside property are put either in the bin provided and if there is any additional rubbish we put this in the communal bins across street which instructed by our Client.

I have been shown a letter dated 23rd October 2023 from Alastair Macdonald with a photograph of household waste on the ground at 54 Shaw Road, Aberdeen on the 22nd October 2023. I have checked our records and confirmed that we cleaned the property on said both dates. Upon arrival there was rubbish in front of the property when we immediately picked up and disposed properly. I can confirm that this was an isolated incidence and this has never occurred before or since then.

Regarding the other photos taken on the 8th October 2023. Again, we were allocated to clean the property this day and my staff member noticed the extra bag on top of the bin and was unable to close it. We removed that black bag and disposed of it in the communal street bins.

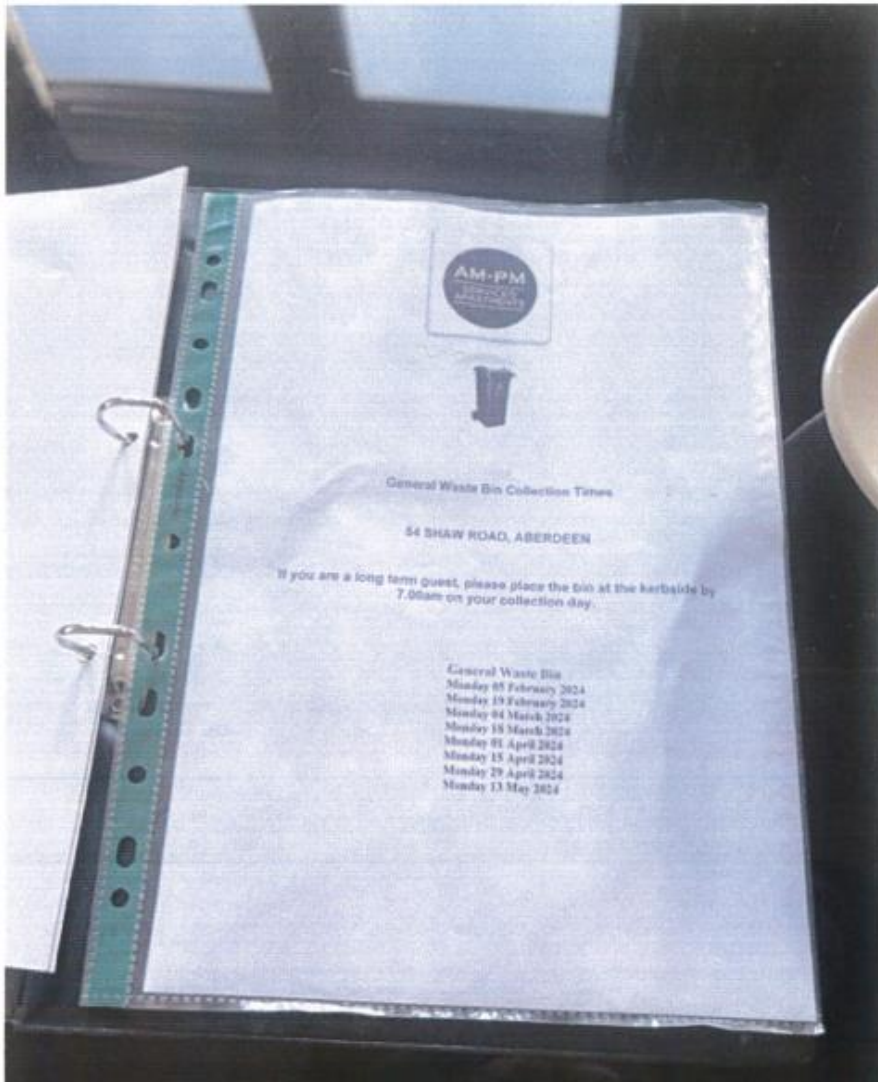
Both these incidents were reported and were given immediate action during the time frame allocated to complete the service change. The staff acted promptly to deal with both incidents. We do ensure that we leave the properties clean and all the rubbish left by the guest are disposed of accordingly.



Director
Loyal Maid Cleaning Services

Duncan

From: Duncan
Sent: 29 January 2024 13:23
To: Duncan



General response to objections to Short Term Let Applications

Advantages of a short term let over a long term let to local residents and neighbours.

1. Occupancy rates for short term lets average around 70%. This means for 30% of the time the property is vacant. There is overall less noise and less wear and tear on common areas than if someone was occupying the property on a long term let.
2. Further, out of the 70% our records show only 35% tick the box for parking required so most arrive by taxi or on foot. Therefore, with short term lets there is less vehicular traffic in and out of the development making it safer and quieter.
3. Short term residents are not using Amazon and other on-line delivery companies as they are often only residing there for a few days or weeks at a time. The strain on the infrastructure is therefore less.
4. The properties are cleaned weekly and cleaned after a guest checks out. Many long term tenants will also have professional cleaners visiting their property on a regular basis. Our housekeepers will also clean communal areas if required, for example, if our housekeepers see litter or areas that require cleaning in communal areas they will attend to it to improve the guests experience. From experience long term tenants rarely if ever assist with cleaning communal areas.
5. An anti-social long-term tenant is extremely difficult to evict and can take years whereas a tenant on a short term let can be removed by us immediately. The U.K Governments Anti-Social Action Plan published in 2023 states: "One in three landlords who have ended a tenancy report that they did so because their tenant engaged in antisocial behaviour. Nuisance, criminal and abusive behaviour which impacts people at home is both disrespectful and unacceptable." It can be seen anti-social behaviour among long term tenants is commonplace and the process to evict an anti-social tenant is costly and can take months, sometimes years, and meantime other residents will have to put up with the anti-social behaviour. A copy of the report is attached.
6. No bookings are taken from anyone with an Aberdeen address. This helps eliminate bookings from people who are not genuinely here for business or on holiday.
7. No one night bookings are taken. Again, this helps eliminate bookings from people who are not genuinely here for work or on holiday.
8. A £200 refundable damages deposit is taken and a damages form is signed by every guest. Again, these measures eliminate bookings from people who are not genuinely here for work or on holiday and eradicates anti-social behaviour as the guest can lose their full deposit.
9. All tenants are vetted. We insist on getting photographic ID such as a passport or drivers licence and a matching credit or debit card.
10. We do not allow bookings from anyone under the age of 21.
11. We attach a copy of our terms and conditions which are signed by every guest prior to checking in. It can be seen there is no smoking, no parties or events of any kind and quiet hours from 9pm to 8am. If there is any breach of these conditions, we will remove the guest

from the property the same day. This has never happened, most likely due to the vetting processes mentioned above. Long term tenants will not have the same restrictions placed on them and the threat of losing £200 for breaching them.

12. There is often a clause in the title deeds relating to a property stating no trade, business, manufacture or profession can be run from the property. A common objection to short term lets is that they breach the title deeds of the development. However, it is submitted a licensing board hearing is not the platform to raise such an objection and such an objection should be made in a court such as the Aberdeen Sheriff Court or the First Tier Tribunal. It is further submitted a short term let does not breach such a clause as the property is being used as a private dwellinghouse for normal residential purposes and no business, trade or manufacture is being run from the property. The business where the marketing is done, bookings are taken, terms agreed and contracts signed is run from commercial premises on Union Street.
13. All our properties have a designated parking space and we make it clear where the parking space is with photographs of the parking space sent to the guest prior to arrival.
14. Serviced apartments and short term let accommodation are a big part of Local Policy objectives to increase tourism in Aberdeen and for Aberdeen to position itself as a hub for the oil and gas and renewable energy sector.
15. It has been noted from reading objection letters that several objectors have not realised we have been carrying out short term lets for over 10 years in their development without them even noticing. This is testament to the fact short terms lets do not cause any problems and certainly no more than a long term let would.

NO SMOKING

NO PARTIES OR EVENTS OF ANY KIND

QUIET HOURS FROM 9PM TO 8AM

NO PETS

IF PRIOR ARRANGEMENT HAS BEEN AGREED FOR PETS, ANY ADDITIONAL CLEANING OR DAMAGE CAUSED BY THE PET(S) SHALL BE DEDUCTED FROM THE DEPOSIT, AND ANY DAMAGES EXCEEDING THE DEPOSIT WILL BE CHARGED BACK TO THE GUEST.

FAILURE TO ADHERE TO THE ABOVE WILL RESULT IN EVICTION FROM THE PROPERTY, LOSS OF DEPOSIT AND POSSIBLE ADDITIONAL CHARGES

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LICENSING COMMITTEE INFORMATION SHEET

27 August 2024

Public Application

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

APPLICANT: KIRK HARRISON

PROPERTY MANAGER: RJH ACCOMMODATION LIMITED

ADDRESS: 19 WOODLANDS TERRACE, ABERDEEN

INFORMATION NOTE

- Application Submitted 29/09/2023
- Determination Date 12/12/2024

This Short Term Let licence application is on the agenda of the Licensing Committee for the reason that 9 representations/objections were submitted to the Private Sector Housing Team.

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

DESCRIPTION

The property at 19 Woodlands Terrace, Aberdeen, is the subject of this new Short Term Let licence application and its accommodation comprises of a mid-terraced, 3 storey townhouse, 4 bedrooms where 2 have en-suites, lounge, kitchen and 2 bathrooms. The applicant wishes to accommodate a maximum of 6 guests, which is acceptable in terms of space and layout. The location of the premises is shown on the plan attached as Appendix A.

CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- Aberdeen City Council's Planning Team
- A public Notice of Short Term Let Application was displayed outside the building, alerting the public to the licence application.

REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- Aberdeen City Council's Planning Team – Planning Granted 03/06/2024
- One objection letter from Robert Anderson (Attached as Appendix B)

- One objection letter from David Cameron (Attached as Appendix C)
- One objection letter from Mark and Eleanor Ross (Attached as Appendix D)
- One objection letter from Graham and Rhonda Smith (Attached as Appendix E)
- One objection letter from Helen Nicoll (Attached as Appendix F)
- One objection letter from Catherine and Keith Dempsie (Attached as Appendix G)
- One objection letter from Effie Jamieson (Attached as Appendix H)
- One objection letter from Jim and Alison Murdoch (Attached as Appendix I)
- One objection letter from Gwen and Mark Watson (Attached as Appendix J)
- Representation from RJH Accommodation (Attached as Appendix K)

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

COMMITTEE GUIDELINES/POLICY

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

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

GROUNDS FOR REFUSAL

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

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

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

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

(i) for the time being disqualified under section 7(6) of this Act, or

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

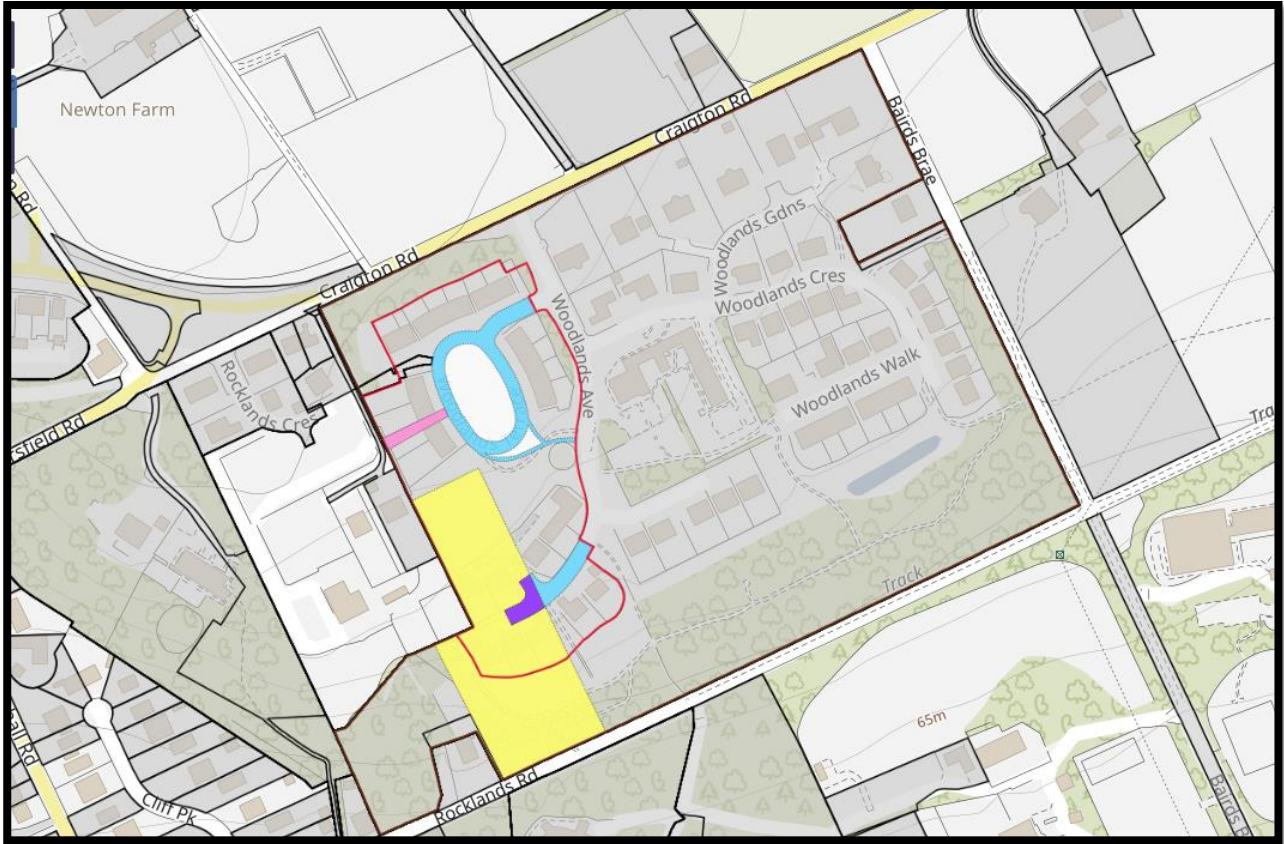
(v)public order or public safety; or

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

OTHER CONSIDERATIONS

- Landlord Registration is not a requirement of Short Term Let licensing.
- The Council's Community Safety Team has no record of any anti-social behaviour complaints in respect of 19 Woodlands Terrace, Aberdeen.
- There are no Granted Short Term Let licences at Woodlands Terrace, Aberdeen.
- The property is currently unlicensed. However as the applicant was an existing operator before 01 October 2022, the property is currently operating as a Short Term Let until the Licence application is determined.
- The site Notice was re-displayed from 23 May 2024 (as requested by the Private Sector Housing Team) for the statutory 21 day time period.
- Information within the Deed of Conditions is not a ground for refusing a Short Term Let licence within the legislation. Licensing cannot be used to enforce other legal issues and that would have to be enforced via other means.

'A'



'B'

From: Robert Anderson

Sent: Tuesday, June 18, 2024 3:32 PM

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

Cc:

Subject: Fwd: Licence application AC23981P - 19 Woodlands Terrace

Rachel,

I believe my formal objection to the Short Term Let Application for 19 Woodlands Terrace, Cults, AB159DG has already been accepted, but I am re-sending it to make sure it is included in the hearing for the latest application.

I would like to add some comments / observations to be considered.

The applicant stated that the original application was posted at the property for the required duration in September 2023 - it was not.

The applicant has stated that the property has been let on a short term basis for the last 10 years - it has not. Long term lets were the norm, with short term lets 'filling in' between long term lets. I believe Mr J Murdoch has provided you with details of the last 2 long term lets.

The applicant does not keep the garden in an acceptable condition and I have to complain when the grass gets overgrown and invades my property. Property maintenance / cleanliness would appear to be low on the applicant's priority list.

The current situation where the the property is being let to commercial tenants is a problem as this involves multiple commercial vehicles using up the limited parking spaces and constitute a safety hazard when there are children playing in the central grass area.

Some of the tenants have been on shift work which means noise and vehicles starting / idling at unsociable hours.

Some of the tenants were witnessed buying 'substances' in broad daylight when children were playing in the street.

The bin management continues to be a health and aesthetics issue - I'll forward a recent example by separate email.

All the property owners who are objecting to this application purchased their properties expecting to live in a desirable, quiet, residential development. We all abide by the title deed requirements and feel that the application to use no 19 Woodlands Terrace as a short term let goes completely against the character of the development and is spoiling our enjoyment of the property. The negative impact on health and safety of the local children should also be considered.

I would not presume to object to an owner leasing their property, but I would expect that the leasing would be controlled to be complementary to the standards of the development.

Yours sincerely,

Robert Anderson

■ Woodlands Terrace

Cults,

Aberdeen

AB159DG

From: Robert Anderson
Subject: Re: Licence application AC23981P - 19 Woodlands Terrace
Date: 17 April 2024 at 12:37:41 GMT+1
To: ShortTermLets@aberdeencity.gov.uk
Cc:

Rachel,

In support of the correspondence you have already received on this subject from Mr J Murdoch, I live at number 18 Woodlands Terrace, Cults, next door to the property under discussion. I have first hand experience of the problems these short term lets can cause, most of which are in direct contravention of the burdens contained in the title deeds for the properties. My issues, in no particular order, are as follow:

1. Multiple occupancy with multiple commercial vehicles being parked in already limited parking spaces. The worst example of this was 4 large vans being parked outside the property. I have no idea how many workers were living in the property, but it was in excess of 4.
2. Bins being left beside my front door and no apparent attention being given to collection dates. I believe it is a requirement of the title deeds that no bins should be left in front of the properties
3. No attention being given to garden maintenance - I have to cut the front grass (albeit a minimal area) and the back lawn is only cut when I complain to the leasing agent.
4. The previous tenant was a single professional woman which was ideal as she looked after the property, but was moved out as she was told the owner 'wanted to sell'.
5. Perhaps the most important issue is the application for change of use to short term let being publicly displayed at the property - I can confirm that this was never done as I would have most certainly have lodged an objection at that time if I had any idea that this was in process. Although I was away for some of the display period, my daughter who lives [REDACTED] was using my printer for her work and would certainly have contacted me had there been a notice visible.
6. Within the last couple of weeks, there were cigarette ends discarded by the front door which I had to clear up.

These short term lets with multiple occupancy and multiple commercial vehicles being parked are not appropriate in a residential development such as Woodlands Terrace and should be terminated with immediate effect.

If I can provide you with further details, please let me know.

Thanks and regards,
Robert Anderson
[REDACTED] Woodlands Terrace
Cults
Aberdeen
AB15 9DG







'C'

From: David Cameron
Sent: Saturday, May 4, 2024 9:04 AM
To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>
Subject: 231571/CLE Objection

Good morning,

I am writing to complain regarding the short term lease application for 19 Woodlands Terrace Cults AB15 9DG which appears to have been pushed through without much notice, we have looked at the title deeds for the property and it under section Burden 1.2 it states 'each dwelling house shall be occupied by one family and not sub-divided' - now this property has multiple members of different people staying as a type of 'AirBandB' arrangement on a day to day basis. Also, under Burden 1.7 clearly states 'no commercial vehicles' - there are multiple vans, trucks and business vehicles there through the week (SEE ATTACHED PHOTO FROM TODAY 4/5/24), causing disruption to the neighbouring properties parking arrangements, bins being left out for days and not emptied, noise and other unruly behavior has also been noticed. This has become a detriment to the surrounding quiet neighbourhood that this development used to be and would like to raise objection to it.

regards,
Dave Cameron
■ Woodlands Terrace Cults
Ab15 9DG



'D'

From: Mark Ross

Sent: Friday, May 17, 2024 4:50 PM

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

Subject: OBJECTION: Short Term Letting Application - 19 Woodlands Terrace Cults

Dear Sir/Madam

I refer to the letter of representation dated 28 February 2024 sent by Mr & Mrs Murdoch objecting to the application by owners of 19 Woodlands Terrace for Short Term Lets Licence.

Both my wife & myself who reside at ■ Woodlands Terrace are in total agreement with points raised by Mr & Mrs Murdoch - a Short Term Lets Licence should not be granted for 19 Woodlands Terrace.

It is clear that the property is being occupied largely by multiple parties not from the same family as evidenced by the number of commercial vehicles parked outside the property.

Attached picture shows a van parked on drive of No19 & 2 commercial vehicles parked on the road - these vehicles were there 2-5 May coming & going outwith normal working hours.



Granting of Short Term Lets Licence for No19 is most definitely detrimental to residents enjoyment of what is a quiet community. There is also the safety aspect of increased vehicular traffic which is often commercial in nature. It should be noted that a large number of young children play on the grassed oval.

Appreciate if you can please acknowledge receipt of this email.

Regards

Eleanor & Mark Ross
■ Woodlands Terrace
Cults
AB15 9DG

'E'

From: Graham Smith

Sent: Sunday, June 9, 2024 12:49 PM

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

Subject: Objection - Application For Licence For Short Term Let - 19 Woodlands Terrace Aberdeen and Change of Use Application (231571/CLE)

Graham & Rhonda Smith

■ Woodlands Terrace,

Cults

Aberdeen AB15 9DG

Dear Sirs,

In accordance with your subject applications procedure, we wish to lodge our strongest objection against the above subject application for Short term Lets.

Although the application is dated 29th September 2023 you are probably already aware that no public notification was posted outside the property until the last week of May 2024 !

This is clearly unacceptable and in contravention with your prescribed procedure.

Our objection is based on the rules set out in the property burdens of the title deeds for each property within our development namely:

Burden 1.2 - Each Dwellinghouse shall be used and occupied as a private Dwellinghouse and shall not be sub-divided or occupied by more than one family or group of individuals living together as a family at a time. However nothing herein contained will be deemed to be a prohibition upon leasing of any Dwellinghouse provided that the use of such Dwellinghouse by occupiers thereof is as a private Dwellinghouse or residence in accordance with the provisions of this deed.

Burden 1.7 - No power-boats, marine craft, caravans, commercial vehicles or vehicles other than private motor cars, motor cycles or cycles shall be parked on any plot or any other part of the estate (save for the short term parking of tradesmen's vehicles in ordinary course of their trade on any plot) and provided always that said private motor cars, motor cycles or vehicles shall not obstruct or prevent access to any part of the estate.

In actuality the property is already being used as a multiple occupancy short term let under the management of "am/pm Property Management" company without having prior official approval and certification in direct violation of your regulations (photos are available as proof).

Our development is not suitable for this type of residency or letting arrangement. It is a small, very neighbourly and family oriented development with stable occupancy and quite a few young children under 10 who happily play freely in the communal space on a daily basis.

To date there have been numerous visitors staying at the property, many of which can only be described as commercial tradesmen with large commercial vehicles, more than one at a time and carrying heavy plant and equipment parked in the location both on the driveway and outside it on the street. This poses a direct risk to the very young children playing outside there. In addition there have been many late night comings and goings at

the property and very loud noise late at night emanating from the property obviously due to the unapproved short term let visitors.

The general maintenance and up-keep of the property during this period of unapproved lets has been tantamount to disgraceful and totally unacceptable for our development. Namely over-crowded bins and refuse left outside the property and on the street and often on days which are not refuse collection days resulting in other residents having to clear up the mess (photos can be provided).

Our objection to this application is therefore based on the totally inappropriateness of this form of letting as evidenced by what we have already experienced so far and obvious total disregard displayed by the applicants for your system's rules, the development itself, and the responsible owners and residents who have chosen to live and buy houses here.

In light of this we trust that very serious consideration will be given to all our objections to this application

Yours Sincerely

Graham and Rhonda Smith
■ Woodlands Terrace
Cults
Aberdeen AB15 9DG

'F'

From: Helen Nicoll

Sent: Monday, June 10, 2024 8:33 PM

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

Subject: OBJECTION TO LICENCE FOR SHORT TERM LET: 19 WOODLANDS TERRACE

FORMAL OBJECTION TO THE APPLICATION FOR LICENCE FOR SHORT TERM LET: 19 WOODLANDS TERRACE, ABERDEEN AB15 9DG

To the Private Sector Housing Unit

Up until last June 2023 a lovely lady doctor was renting the property long term. She loved living in the property and neighbourhood, was an excellent, very quiet and respectful neighbour, and intended to continue to make the property her home for the continued long term. However the owners/management company illegally evicted her from her home (giving her only a very short notice period of I believe around three week) telling her they intended to sell it. The property was then advertised immediately on [Booking.com](https://www.booking.com) offering short lets.

Throughout these eleven months since they began the AirBnB there have been constant problems and in my experience it has had a significant detrimental effect on the quality of life for all the residents in the neighbourhood and is no longer the safe, clean and quiet neighbourhood it was prior to this date. Outlined below:

1. **BINS:** the first thing that became obvious was the bins. The cleaners would come and clean and put **both** normal bin and recycling bin out on a day which suited the cleaning schedule. So at times this meant the bins were put out on the Wednesday - the afternoon AFTER the morning collection - meaning they were left out for up to 14 days at the road side until the next collection. They are then almost never taken back in in a timely manner. Their recycling bin is full of black bin bags of normal refuse. The normal bin is full of mixed refuse: rubbish, foods, vegetables, recycling. Clearly no recycling is being done. The brown bin is not used and no food recycling is ever out. Frequently the bin is overflowing resulting in sea gulls spreading the contents all over our garden and estate leaving it open to vermin and looking unsightly. Prior to the AirBnB we were fortunate that there were no sea gulls in the area as we know how problematic they can be, and we are anxious to avoid providing them with a regular food source. In addition when the bins are open and overflowing the birds come during the early hours making noise and disturbing our sleep. Furthermore when there have been storms with these full bins lying out the wind has spread the contents around the neighbourhood. When they have been left empty but on the pavement for days, during storms the bins have been blown over with loud banging in the middle of the night. I have had to get up in the middle of the night to pull in their bins. It is in our deeds that bins must be stored in the bin cupboard and certainly not left at the roadside for days and weeks on end. It looks trashy and lowers the tone of the neighbourhood. All other residents put their bins out as advised by the council, the night before collection and return them back to the designated bin cupboard as soon as practical after collection.
2. **VEHICLES:** there have at times been 5 large work vans parked outside the property and parked around the oval taking up the spaces, coming and going at all

hours, making noise and out of sync with the residential nature of the development. This is also in breach of the property deeds. Two photos below show vehicles which have been present, although in the first picture there were actually 5 of the same vans.

3. **SMOKING:** the residents are often smokers and literally throw their cigarette butts into our gardens. I have frequently had to collect multiple cigarette butts from my garden and put them in their bin. I have lived here for 10.5 years and never had this problem prior to the AirBnB.
4. **NOISE:** the residents are often noisy. Even last Friday morning I was woken at 6.30am by the residents filling their cars and talking extremely loudly. Prior to the AirBnB this was a very quiet neighbourhood where sleep was not disturbed. When there are people in the AirBnB I do not need an alarm as I am woken at the time that the guests leave. Temporary residents are probably unaware of just how quiet the neighbourhood is. From around 10.30 pm it is deadly quiet. Recently a guest returned at 11.50pm. He was dropped off in a loud taxi, banged the taxi doors and talked in full day time volume which woke myself and almost certainly the 2 properties at either side of the AirBnB. In the morning the norm for the estate is one professional person leaves early and quietly gets into their vehicle and drives off. In contrast, there can be up to 6 workmen from the AirBnB who come out talking loudly, opening and closing loud sliding van doors, loading up equipment at around 6.30 or 7am and potentially awaken the whole estate. I have certainly had considerably less sleep since the AirBnB started.
5. **SWEARING:** unfortunately the demographic of the residents in the AirBnB does not match the demographic of the residents of the estate. Certain behaviours of the residents are not appropriate and have a detrimental effect on the general calm and high standard of living in the estate, for example: loud phone calls with prolific use of the F word. Last week I had to interrupt a resident's loud phone call to remind him to watch his language as there were kids about, as the F word was being used every few words. In the two properties to the right of the AirBnB there are young children who play in the area almost daily and I do not consider it appropriate for them to be exposed to such language. The residents of both properties moved in before the AirBnB on the understanding that it was a safe and respectable neighbourhood for raising their young children. This is no longer the case.
6. **PROPERTY MAINTENANCE:** the maintenance of the front garden is poor and the property looks shabby. As I have frequently accessed their open bin cupboard to return their bin I have seen inside their bin cupboard and it is a mess.
7. **INCREASE IN VOLUME OF TRAFFIC AND EXCESSIVE SPEEDS, SAFETY CONCERN:** the road, pavement and grassy oval is constantly used by children to play. At times there are very young children learning to walk and cycle. Regular residents are aware of this and drive at a safe speed appropriate for these activities. The constantly changing residents of the AirBnB come and go in multiple vehicles and at excessive speeds. Since June 2023 it is no longer a safe neighbourhood for children and pets.
8. **DRUGS:** my neighbour (with the 6 year old girl) witnessed drugs being dropped off to Number 19 at 6pm in the evening in full day light.
9. **GARDEN MAINTENANCE:** The grass at the property is cut very infrequently which as you will see from the picture attached, at this time of year this resulted in a garden literally filled with 100's of dandelions with full seed heads bombarding neighbouring gardens with dandelion seeds, leaving us no means to prevent this.

I have previously attached a video and photos of the bins from 19 Woodlands Terrace taken Sunday 12th May 2024. As usual their normal bin had been left out on the road side for days but I came home that afternoon to find that it had been over filled, pushing the lid up and open. As a consequence the birds had gone in and spread contents over

our gardens. There were lots of tissues, dirty used cotton buds, butter wrappers, egg boxes, cereal boxes, vegetables, wrappers, banana skins etc etc. You can also see from the images that there is no recycling going on at this property.

I also understand that the owners or management company have claimed that the property had short lets for ten years prior to the AirBnB. This claim is unequivocally not true, a completely false claim. I moved here in November 2013 and there was a lovely family from Oman living there and they resided in the property for many months before moving to Westhill. In the interim there have been long term residents and NO short lets until June 2023. In fact the tenants immediately preceding the doctor mentioned above were very well connected with the immediate neighbours, myself included, and lived at number 19 throughout the lockdown and well beyond.

If a licence is granted by Aberdeen Council it will be in direct breach of the legal deeds of our properties. In my opinion if this goes ahead then what is the point of the deeds? It makes a mockery of the system and gives full licence to all other resident to breach and totally disregard the deeds.

(Please see video and photos in previous email from 14 May 2024.)

Yours faithfully

Helen Nicoll
■ Woodlands Terrace
Cults
Aberdeen AB15 9DG







'G'

From: Catherine Mason
Sent: Thursday, June 13, 2024 9:46 AM
To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>
Subject: Re: 19 Woodland Terrace - Short term letting application

Good morning Rachel,

I sent an email to you last night regarding the above but it does not seem to have gone through - so apologies if you are being sent this twice.

I still wish to object to the short term lease for the above property. The number of work vehicles relating to the property which are being parked in the communal parking area are often between two and four. The parking area surrounds a large piece of grass where the children of the area play and my concern is for the safety of those children. We know to look out for children playing when we drive however, I fear that with the increase in these vehicles an accident may ensue as the drivers do not know what to look out for being unfamiliar with the neighbourhood.

We chose to live here because it is a quiet, family orientated area and, at the moment, when the property is being occupied by large groups of workmen there are often times when they congregate in front of the house making noise without any concern with the families around them - this is usually early in the morning before they leave for work but there have been instances late at night. The bins are left overflowing which inevitably lead to birds picking out items from the bin scattering rubbish. We, the neighbours are then left to clean up. I understand that this can happen once in a while, but it is occurring frequently. It is not a great feeling to look out of your window and see rubbish scattered everywhere.

I would also like to take this opportunity to ask if the short term lease requires a HMO licence or does this have to be applied for separately? It is my understanding that if there are three or more individuals renting a property who are not related then there should be a HMO licence.

Kind regards,

Catherine and Keith Dempsie

'H'

From: Effie Jamieson
Sent: Sunday, June 16, 2024 9:52 PM

To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>
Subject: Fwd: Short Term Let - 19 Woodlands Terrace, Aberdeen

Dear Short term lets department

I wish to object to the application of Short Term Let at 19 Woodlands Terrace, Aberdeen on the following grounds;

1. A short term let is clearly in breach of the property title burdens and that in breaching the burdens, **is having a material detriment to both our enjoyment and safety within the development.** The two title burdens specifically are

“Burden 1.2: Each Dwellinghouse shall be used and occupied as a private Dwellinghouse and shall not be sub-divided or occupied by more than one family or group of individuals living together as a family at a time.....”.

*“Burden 1.7: No power-boats, marine craft, caravans, **commercial vehicles** or vehicles other than private motor cars, motor cycles or cycles shall be parked on any plot or on any other part of the estate (save for the short term parking of tradesmen’s vehicles in ordinary course of their trade on any plot) and provided always that the said private motor cars, motor cycles, cycles or vehicles shall not obstruct or prevent access to any part of the estate.”*

2. The planning department granting of a certificate of lawfulness (3rd June 2024), in that the property has been used as a short term let on a continuous basis for at least 10 years. There was no scope to comment on the Certificate of Lawfulness/Change of Use planning application prior to the decision.

As a resident there has been a notable change of use from long term lets to short term lets since October 2023. This has resulted in increase commercial vehicle traffic and parking, increased noise levels, significant issues with waste management and most concerning due the commercial vehicles, increased risk to the safety of the children who reside at this location. Please see attached image showing evidence of commercial vehicles parked by clients of the short term let at 19 Woodlands Terrace.

Safety: The central Oval is a natural asset within the Woodlands development and has always been used by the children both resident in Woodlands Terrace but also from the wider Woodlands development as a whole. The children play in what has been a safe environment between the oval (the largest green space in the development), playpark, and their respective houses. This didn’t present a problem as the permanent residents are conscious of the children and drive accordingly within the development. This cannot be said of temporary visitors at the Short Term Let especially with the high degree of turnover. The risk is further compounded by the number and size of commercial vehicles (which has become the norm) manoeuvring and parking around the oval. Most of these vehicles have restricted vision to the rear and in a commercial setting would normally be parked with ‘signaller’ or ‘banksman’ assistance which is clearly not happening in this instance.

Parking: Woodlands Terrace has parking consistent with the intended residential use of the development i.e. a private driveway with space for 1 car and unallocated parking around the central oval. What is clearly evident since the change of use to a short term lets in October 2023, the vehicles being parked are predominantly medium sized commercial vehicles, normally between 3 & 4 in number. This obviously impacts the overall parking availability due to both vehicle count and also vehicle size. Further, with the maximum occupancy in the property stated at 6 persons on the STLL application, a real potential exists for up to 6 vehicles to be parked.

Noise: There has been an increase in antisocial behaviour associated with the short term let. Since January 2024 there has been noisy music coming from the property and a disturbance outside the property caused by individuals leaving 19 Woodlands Terrace. Prior to October 2023, there has been no issue with antisocial behaviour at Woodlands Terrace.

Regards

Effie Jamieson





Woodlands Terrace
 Cults
 Aberdeen
 Scotland
 AB15 9DG



Date: 16th June 2024

Dear Sir/Madam

Short Term Letting Application Objection - No.19 Woodlands Terrace, Cults

Further to our earlier objection (28th February 2024), at which point our objection was considered late but may have been considered, we have had time to reflect and with the official notification being ‘reset’ (23rd May 2024) please accept this as our formal objection to the STLL application for 19 Woodlands Terrace, Cults.

We are objecting on the basis that a short term let is clearly in breach of the property title burdens and that in breaching the burdens, is having a material detriment to both our enjoyment and safety within the development. The 2 title burdens specifically are:

“Burden 1.2: Each Dwellinghouse shall be used and occupied as a private Dwellinghouse and shall not be sub-divided or occupied by more than one family or group of individuals living together as a family at a time.....”.

It is clear from when this property moved from long term rented property to a short term rental (Q3 2023) that it is now being occupied largely by multiple parties not from the same family, evident by the number of vehicles parked during the rental period, often 3-4 vehicles at a time and commercial in nature. This is clearly in breach of burden 1.2

“Burden 1.7: No power-boats, marine craft, caravans, commercial vehicles or vehicles other than private motor cars, motor cycles or cycles shall be parked on any plot or on any other part of the estate (save for the short term parking of tradesmen’s vehicles in ordinary course of their trade on any plot) and provided always that the said private motor cars, motor cycles, cycles or vehicles shall not obstruct or prevent access to any part of the estate.”

□

Immediately following the change from long term to short term last year, the property was occupied for a number of weeks by 3 commercial, liveried vehicles. Since that time the norm for the tenancy has been a number of commercial vehicles, consistent with the occupancy number. This is clearly in breach of burden 1.7

It is as a direct result of these breaches in property title since becoming a short term rental Q3 2023 that we have experienced an increase in traffic, more challenging parking, unacceptable noise levels and most concerning is the risk to the safety of the children.

Safety: The central Oval is a natural asset within the Woodlands development and has always been used by the children both resident in Woodlands Terrace but also from the wider Woodlands development as a whole. The children wander and run freely and care free in what has been a safe environment between the oval (the largest green space in the

development), playpark, and their respective houses. This didn't present a problem as the permanent residents are conscious of the children and drive accordingly within the development with respect to speed and consideration of their presence. This unfortunately cannot be said of temporary visitors at the Short Term Let especially with the high degree of turnover. The risk is further compounded by the number and size of commercial vehicles (which has become the norm) manoeuvring and parking around the oval and reversing in/out of the driveway. Most of these vehicles have restricted vision to the rear and in a commercial setting would normally be parked with 'signaller' or 'banksman' assistance which is clearly not happening in this instance.

Parking: Woodlands Terrace has parking consistent with the intended residential use of the development i.e. a private driveway with space for 1 car and unallocated parking around the central oval. If parked optimally around the oval this would accommodate approx. 25 cars, more or less a second space for each residence. What is clearly evident since the change of use to a short term let Q3 '23, the vehicles being parked are predominantly medium sized (6.5 - 7m) commercial vehicles, normally between 3 & 4 in number. This obviously impacts the overall parking availability due to both vehicle count and also vehicle size. Further, with the maximum occupancy in the property stated at 6 persons on the STLL application, a real potential exists for up to 6 vehicles to be parked.

Noise: A consequence of the design of Woodlands Terrace, 3 storey townhouses on 3 sides of an oval, creates amphitheatre like acoustics where even spoken voice carries to all corners of the terrace. As a result of the increased vehicular traffic often arriving/departing outside "sociable hours" the increase in noise level has been noticeable since the change of use. Not only as a result of the increased vehicle count and movement, the nature of these commercial vehicles with larger and less refined diesels and unfortunately a general lack of consideration/appreciation by the visitors has resulted in a significant change to the otherwise very quiet neighbourhood. This is compounded during the summer months with open windows facing into the oval, especially during the night.

In addition to the clear title breach and consequential material impact we have also regularly experienced poor bin/waste management, property maintenance and evidence of antisocial behaviour, all clearly having an impact on the residents and ultimately a detriment to our enjoyment of the development and our homes.

Further to the above, we also dispute the planning department's granting of a certificate of lawfulness (3rd June 2024), in that the property has been used as a short term let on a continuous basis for at least 10 years. We have both anecdotal and written evidence to the contrary and that the normal pattern of rentals has been long term leases for the bulk of the property's life, until Q3 2023. Unfortunately, there was no scope to comment on the Certificate of Lawfulness/Change of Use planning application prior to the decision.

Yours Faithfully

Jim & Alison Murdoch



From: Gwen Watson
Sent: Thursday, June 20, 2024 6:38 AM
To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>
Subject: Fwd: Short Term Letting Application - No.19 Woodlands Terrace, Cults

My husband and I are owner occupiers of █ Woodlands Terrace, Cults, Aberdeen, AB159DG

I am writing to place an objection to a short term let licence application on one of the properties within the Woodlands Terrace development.

My husband and I are objecting on the basis that a short term let is clearly in breach of the property title burdens and that in breaching the burdens, is having a material detriment to both our enjoyment and safety within the development. The 2 title burdens specifically are

“Burden 1.2: Each Dwellinghouse shall be used and occupied as a private Dwellinghouse and shall not be sub-divided or occupied by more than one family or group of individuals living together as a family at a time.....”.

“Burden 1.7: No power-boats, marine craft, caravans, commercial vehicles or vehicles other than private motor cars, motor cycles or cycles shall be parked on any plot or on any other part of the estate (save for the short term parking of tradesmen’s vehicles in ordinary course of their trade on any plot) and provided always that the said private motor cars, motor cycles, cycles or vehicles shall not obstruct or prevent access to any part of the estate.”

In addition to this objection, we also dispute the planning department’s granting of a certificate of lawfulness (3rd June 2024), in that the property has been used as a short term let on a continuous basis for at least 10 years. We have both anecdotal and written evidence to the contrary and that the normal pattern of rentals has been long term leases for the bulk of the property’s life, until Q3 2023. Unfortunately, there was no scope to comment on the Certificate of Lawfulness/Change of Use planning application prior to the decision.

Since becoming a short term rental August/September 2023 we have experienced an increase in traffic, more challenging parking, unacceptable noise levels and most concerning is the risk to the safety of the children.

Safety: The central Oval is a natural asset within the Woodlands development and has always been used by the children both resident in Woodlands Terrace but also from the wider Woodlands development as a whole. The children wander and run freely in what has been a safe environment between the oval (the largest green space in the development), playpark, and their respective houses. This didn’t present a problem as the permanent residents are conscious of the children and drive accordingly within the development with respect to speed and consideration of their presence. This unfortunately cannot be said of temporary visitors at the Short Term Let especially with the high degree of turnover. The risk is further compounded by the number and size of commercial vehicles (which has become the norm) manoeuvring and parking around the oval and reversing in/out of the driveway. Most of these vehicles have restricted vision to the rear and in a commercial setting would normally be parked with ‘signaller’ or ‘banksman’ assistance which is clearly not happening in this instance.

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parked are predominantly medium sized (6.5 - 7m) commercial vehicles, normally between 3 & 4 in number. This obviously impacts the overall parking availability due to both vehicle count and also vehicle size. Further, with the maximum occupancy in the property stated at 6 persons on the STLL application, a real potential exists for up to 6 vehicles to be parked.

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In addition to the above clear title breach and consequential material impact we have also experienced poor bin management, property maintenance and evidence of antisocial behaviour all clearly having an impact on the residents and ultimately a detriment to our enjoyment of the development.

Your support and assistance in this matter would be greatly appreciated and please don't hesitate to call for more details or to discuss further.

Kind regards

Gwen and Mark Watson

■ Woodlands Terrace

Cults

Aberdeen

AB159DG

Responses to objections to short term let application for 19 Woodlands Terrace, Aberdeen

Many of the points raised by the objectors, who seemed to have grouped together, have been dealt with in the general responses to the applications but we wish to respond individually to some of the points raised. It should be noted the serviced apartment business used to deal with the running of the maintenance, bins and other issues solely but AM-PM Leasing now assist in the management:

Bins: new bins have been put in the garage for use by the residents and AM-PM Leasing have taken over the management of this side of things so there should be no further issues regarding this.

Vehicles: it is understood the licencing committee will not deal with this issue.

Regarding the following issues we do not think they are specific to short term lets and could involve any tenant, long or short term:

Smoking: there is a £200 fine if anyone smokes in the property and every guest signs a form to agree to not smoking in the property.

Noise: if any resident is noisy we will evict them immediately which is something we would be unable to do if this was a long term tenant.

Garden: the garden is regularly maintained.

Drugs: if this is reported to us we will have no hesitation in involving the police.

General response to objections to Short Term Let Applications

Advantages of a short term let over a long term let to local residents and neighbours.

1. Occupancy rates for short term lets average around 70%. This means for 30% of the time the property is vacant. There is overall less noise and less wear and tear on common areas than if someone was occupying the property on a long term let.
2. Further, out of the 70% our records show only 35% tick the box for parking required so most arrive by taxi or on foot. Therefore, with short term lets there is less vehicular traffic in and out of the development making it safer and quieter.
3. Short term residents are not using Amazon and other on-line delivery companies as they are often only residing there for a few days or weeks at a time. The strain on the infrastructure is therefore less.
4. The properties are cleaned weekly and cleaned after a guest checks out. Many long term tenants will also have professional cleaners visiting their property on a regular basis. Our housekeepers will also clean communal areas if required, for example, if our housekeepers see litter or areas that require cleaning in communal areas they will attend to it to improve the guests experience. From experience long term tenants rarely if ever assist with cleaning communal areas.
5. An anti-social long-term tenant is extremely difficult to evict and can take years whereas a tenant on a short term let can be removed by us immediately. The U.K Governments Anti-Social Action Plan published in 2023 states: "One in three landlords who have ended a tenancy report that they did so because their tenant engaged in antisocial behaviour. Nuisance, criminal and abusive behaviour which impacts people at home is both disrespectful and unacceptable." It can be seen anti-social behaviour among long term tenants is commonplace and the process to evict an anti-social tenant is costly and can take months, sometimes years, and meantime other residents will have to put up with the anti-social behaviour. A copy of the report is attached.
6. No bookings are taken from anyone with an Aberdeen address. This helps eliminate bookings from people who are not genuinely here for business or on holiday.
7. No one night bookings are taken. Again, this helps eliminate bookings from people who are not genuinely here for work or on holiday.
8. A £200 refundable damages deposit is taken and a damages form is signed by every guest. Again, these measures eliminate bookings from people who are not genuinely here for work or on holiday and eradicates anti-social behaviour as the guest can lose their full deposit.
9. All tenants are vetted. We insist on getting photographic ID such as a passport or drivers licence and a matching credit or debit card.
10. We do not allow bookings from anyone under the age of 21.

11. We attach a copy of our terms and conditions which are signed by every guest prior to checking in. It can be seen there is no smoking, no parties or events of any kind and quiet hours from 9pm to 8am. If there is any breach of these conditions, we will remove the guest from the property the same day. This has never happened, most likely due to the vetting processes mentioned above. Long term tenants will not have the same restrictions placed on them and the threat of losing £200 for breaching them.
12. There is often a clause in the title deeds relating to a property stating no trade, business, manufacture or profession can be run from the property. A common objection to short term lets is that they breach the title deeds of the development. However, it is submitted a licensing board hearing is not the platform to raise such an objection and such an objection should be made in a court such as the Aberdeen Sheriff Court or the First Tier Tribunal. It is further submitted a short term let does not breach such a clause as the property is being used as a private dwellinghouse for normal residential purposes and no business, trade or manufacture is being run from the property. The business where the marketing is done, bookings are taken, terms agreed and contracts signed is run from commercial premises on Union Street.
13. All our properties have a designated parking space and we make it clear where the parking space is with photographs of the parking space sent to the guest prior to arrival.
14. Serviced apartments and short term let accommodation are a big part of Local Policy objectives to increase tourism in Aberdeen and for Aberdeen to position itself as a hub for the oil and gas and renewable energy sector.
15. It has been noted from reading objection letters that several objectors have not realised we have been carrying out short term lets for over 10 years in their development without them even noticing. This is testament to the fact short terms lets do not cause any problems and certainly no more than a long term let would.

NO SMOKING

NO PARTIES OR EVENTS OF ANY KIND

QUIET HOURS FROM 9PM TO 8AM

NO PETS

IF PRIOR ARRANGEMENT HAS BEEN AGREED FOR PETS, ANY ADDITIONAL CLEANING OR DAMAGE CAUSED BY THE PET(S) SHALL BE DEDUCTED FROM THE DEPOSIT, AND ANY DAMAGES EXCEEDING THE DEPOSIT WILL BE CHARGED BACK TO THE GUEST.

FAILURE TO ADHERE TO THE ABOVE WILL RESULT IN EVICTION FROM THE PROPERTY, LOSS OF DEPOSIT AND POSSIBLE ADDITIONAL CHARGES

LICENSING COMMITTEE INFORMATION SHEET
27 AUGUST 2024

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

APPLICANT: Garry Joseph McNulty (T147)

INFORMATION NOTE

Date Wheelchair Assistance Exemption Granted- NONE

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

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

Mr McNulty is currently a licence holder of a Taxi Vehicle Licence T147 and is requesting to change his current vehicle to a saloon/estate car.

Should the Committee be minded to grant the exemption the applicant is aware that he will be required to submit an application for the substitution of a new vehicle on to the Taxi Licence.

COMMITTEE GUIDELINES/POLICY

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

From:

Sent on: Friday, May 10, 2024 12:58:13 PM

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

Subject: Plate change application

Dear Members of the Licensing Committee,

I hope this letter finds you well. My name is Garry McNulty, and I am writing to request a personal representation to discuss my application for a saloon taxi plate with the exemption from the wheelchair accessibility mandate, as outlined in the current taxi regulations.

I understand and fully support the significance of accessibility for individuals with disabilities. However, I am seeking an exception to this rule to provide a saloon taxi service in our community. There is a notable demand for this service, particularly among individuals who seek a more accessible and convenient transportation option.

I assure you that my vehicle will be meticulously maintained and kept in excellent condition, adhering to the current hackney conditions. My intention is to introduce a hybrid vehicle onto the roads, a type not readily available as a Wheelchair Accessible Vehicle (WAV).

I am committed to ensuring the safety and comfort of all passengers, including those with disabilities. However, it is worth noting that there are certain disabilities not adequately catered for by existing WAV vehicles. I currently have two regular customers who are deaf, my ability to communicate through sign language means they text myself to book, hence my request for an exemption.

Allow me to provide additional context for my request. I have been a qualified taxi driver since 2005 and have invested significantly in purchasing five separate taxis, adhering to regulations at the time. The condition to convert all existing saloon plates to WAV plates was never enforced, a decision I supported wholeheartedly.

In the current financial climate, sourcing an affordable WAV vehicle is exceedingly challenging. The cost of a straight replacement vehicle has surged by 75%, while even saloon cars have seen an increase of around 50%, making it difficult to find an economically viable WAV option.

Considering this may potentially be my final taxi purchase, I aim for the vehicle to last a decade. As a driver with nearly twenty years of service, I would feel unjustly treated if a significant purchase today were to render me ineligible due to subsequent policy changes, leaving me unable to afford putting a saloon car on the road.

With my current vehicle reaching 9 years of age, I find myself spending increasingly more time off the road. This impediment hampers my ability to fulfil my role as a licensed driver and restricts my capacity to provide essential services to the public, especially considering my tenure as a driver spanning nineteen years. I am keenly aware of the importance of efficient transport hubs in keeping passengers moving smoothly. Having a

saloon with a yellow plate would also allow me to continue to service our taxi ranks at peak times.

I respectfully urge the committee to consider my application for a saloon taxi plate with an exemption from the existing rule mandating wheelchair accessibility for all taxis. I am grateful for your time and attention to this matter and eagerly await the opportunity to discuss this further.

Additionally, I would like to emphasize the extent to which I regard my role as a taxi driver as that of an ambassador for the City of Aberdeen. Over the years, I have actively participated in numerous fundraising initiatives, charity events, and community projects aimed at enhancing the well-being and cohesion of our city.

As a passionate advocate for our community, I have dedicated considerable time and effort to various charitable causes, including local youth programs, initiatives supporting the elderly, and fundraising events for medical research and support organizations. My involvement in these activities underscores my commitment to making a positive impact beyond the confines of my professional duties.

Moreover, my interactions with passengers from all walks of life have afforded me valuable insights into the diverse fabric of our city. I take pride in representing Aberdeen to visitors and ensuring that their experience reflects the warmth, hospitality, and vibrancy that characterize our community.

In light of my unwavering dedication to serving both residents and visitors alike, I am confident that granting an exemption for a saloon taxi plate would enable me to continue contributing positively to the city's reputation and vitality. Thank you once again for your attention to this matter.

Thank you for your consideration.

Sincerely,

Garry McNulty

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LICENSING COMMITTEE INFORMATION SHEET

27 AUGUST 2024

TYPE OF APPLICATION: Application for an exemption from the *Age of Vehicle Policy*

APPLICANT: Thomas Forbes

INFORMATION NOTE

Date Exemption from the Age of Vehicle Policy Granted- NONE

Mr Forbes is seeking an exemption from the Committee Policy that states that any vehicle being licensed as part of a Grant of Licence, Temporary Licence or Substitution application must be 5 years old or less on the day the application is submitted.

The Policy is in place to ensure that the taxi fleet contains a high standard of vehicle in terms of appearance and mechanical performance.

It should be noted that the vehicle is now 5 years 9 months old and was previously licensed under Private Hire Care Operator Licence PH102. Mr Forbes was the licence holder however the licence lapsed as no renewal application was received or submitted.

COMMITTEE GUIDELINES/POLICY

Licensing Committee policy states that the vehicle for any new grant application for a Private Hire must be not more than 5 years old.

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