

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, 1 October 2024

LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in **Committee Room 2 - Town House** on **WEDNESDAY, 9 OCTOBER 2024 at 10.00 am**. This is a hybrid meeting and Members may also attend remotely.

The meeting will be webcast and a live stream can be viewed on the Council's website. <https://aberdeen.public-i.tv/core/portal/home>

ALAN THOMSON
INTERIM CHIEF OFFICER – GOVERNANCE

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 27 August 2024 (Pages 5 - 14)
- 5.2. Minute of Meeting of the Taxi and Private Hire Car Consultation Group of 4 September 2024, for Approval (Pages 15 - 20)
- 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. Membership and Remit of the Taxi and Private Hire Car Consultation Group - CORS/24/297 (Pages 25 - 30)

APPLICATIONS FOR LICENCES

- 9.1. House of Multiple Occupation (Renewal) - Coopers Court, Dunbar Street
(Pages 31 - 72)

- 9.2. Short Term Let (Existing Operator) - 24E Esslemont Avenue

Late Objection Received – Papers will be circulated on the day if Committee are minded to accept late objection.

- 9.3. Short Term Let (Existing Operator) - 24G Esslemont Avenue

Late Objection Received – Papers will be circulated on the day if Committee are minded to accept late objection.

- 9.4. Short Term Let (New Operator) - 60 Affleck Street (Pages 73 - 142)

- 9.5. Street Trader Licence (Grant) - Emma Williamson - Golf Road East Side, 114m South from Pittodrie Street Car Park (Pages 143 - 146)

- 9.6. Public Entertainment Licence - Kincorth Community Centre (Pages 147 - 148)

CONFIDENTIAL INFORMATION - TO BE HEARD IN PRIVATE

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

- 10.1. Landlord Registration (Renewal) (Pages 149 - 160)
- 10.2. Landlord Registration (New) (Pages 161 - 164)
- 10.3. Landlord Registration (New) (Pages 165 - 168)
- 10.4. Taxi Driver Licence - Grant (Pages 169 - 174)
- 10.5. Taxi Driver Licence - Renewal (Pages 175 - 178)

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

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

Website Address: aberdeencity.gov.uk

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

This page is intentionally left blank

LICENSING COMMITTEE

ABERDEEN, 27 August 2024. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Al-Samarai, Convener; Councillor Delaney, Vice-Convener; and Councillors Clark, Henrickson, Lawrence, MacGregor, Malik (as substitute for Councillor Graham), McLeod and van Sweeden.

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

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

DECLARATIONS OF INTEREST AND TRANSPARENCY STATEMENTS

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

- (1) Councillor Clark advised that she had a connection in relation to agenda item 9.5 (Exemption from Policy: Wheelchair Accessible Vehicle – Garry Joseph McNulty) by virtue of her knowing the licence holder, however having applied the objective test, she did not consider that she had an interest and would not be withdrawing from the meeting.

MINUTE OF PREVIOUS MEETING OF 5 JUNE 2024

2. The Committee had before it the minute of its previous meeting of 5 June 2024, for approval.

The Committee resolved:-
to approve the minute.

MINUTE OF MEETING OF THE LICENSING SUB COMMITTEE OF 9 AUGUST 2024, FOR APPROVAL

3. The Committee had before it the minute of meeting of the Licensing Sub Committee of 9 August 2024, for approval.

The Committee resolved:-
to approve the minute.

COMMITTEE BUSINESS PLANNER

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

LICENSING COMMITTEE

27 August 2024

The Committee resolved:-

- (i) to note the reasons for deferral in relation to item 4 (Second Hand Dealer's Licence Resolution), item 5 (Public Entertainment Licensing Resolution) and item 9 (Taxi Demand Survey - including Review of Taxi Ranks);
- (ii) to remove item 7 (Taxi & Private Hire Policy) from the planner for the reason intimated therein; and
- (iii) to otherwise note the Business Planner.

HOUSE IN MULTIPLE OCCUPATION (NEW) - 19 PRIMROSEHILL GARDENS

5. 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 a late letter of objection had been submitted by Ms Keri Grieve, therefore the Committee required to consider whether it be accepted into the proceedings.

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 been completed.

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

The objectors, Ms Lisbeth-Anne McLaughlin and Ms Keri Grieve, spoke in support of their letters of objection and responded to questions from members.

Both parties were given the opportunity to sum up.

The Committee resolved:-

to grant the licence.

SHORT TERM LET (EXISTING OPERATOR) - 65 OAKHILL GRANGE

6. 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 five letters of objection, appended to the report were submitted to the Private Sector Housing Team.

LICENSING COMMITTEE

27 August 2024

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

The applicant's Property Manager, Mr Craig McPetrie was in attendance, spoke in support of the application and responded to questions from members.

Mr Kal Masia, Mrs Maureen McMahon and Ms Gladys Ferguson were in attendance, spoke in support of their letters of objection and responded to questions from members.

All parties were given the opportunity to sum up.

The Committee resolved:-

to refuse the licence on the grounds that the premises was not suitable or convenient for the conduct of the activity having regard to:-

- (1) the location, character or condition of the premises; and
- (2) the possibility of undue public nuisance.

SHORT TERM LET (EXISTING OPERATOR) - 54 SHAW ROAD

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

The applicant's Property Manager, Mr Duncan Kerr was in attendance, spoke in support of the application and responded to questions from members.

Mr Alastair Macdonald was in attendance, spoke in support of his letter of objection and responded to questions from members.

All parties were given the opportunity to sum up.

The Convener, seconded by Councillor Malik, moved:-
that the Committee grant the licence.

Councillor van Sweeden, seconded by the Vice Convener, moved as an amendment:-
that the Committee refuse the licence on the grounds that the premises was not suitable or convenient for the conduct of the activity having regard to:-

- (1) the possibility of undue public nuisance.

LICENSING COMMITTEE

27 August 2024

On a division, there voted:- for the motion (3) – the Convener and Councillors Henrickson and Malik; for the amendment (6) – the Vice Convener and Councillors Clark, Lawrence, MacGregor, McLeod and van Sweeden.

The Committee resolved:-

to adopt the amendment.

SHORT TERM LET (EXISTING OPERATOR) - 19 WOODLANDS TERRACE

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

As a preliminary matter, Mrs Jocelyn Janssen, Private Sector Housing Manager intimated that late additional photographs had been submitted by an objector (Ms Helen Nicoll) and the applicant relating to the property, therefore the Committee required to consider whether they be accepted into the proceedings.

The Committee resolved:-

not to accept the late photographs into the proceedings, given that these were of a similar nature to those contained within the agenda.

Mrs Janssen advised that the necessary upgrading works had still to be completed.

The applicant's Property Manager, Mr Duncan Kerr was in attendance, spoke in support of the application and responded to questions from members.

Mr Robert Anderson, Ms Effie Jamieson, Mr Jim Taylor on behalf of Ms Helen Nicoll, Mr Jim Murdoch on behalf of Mrs Alison Murdoch, Mr and Mrs Ross, Mr and Mrs Watson and Mr David Cameron; and Ms Catherine Dempsie were in attendance, spoke in support of their letters of objection and responded to questions from members.

All parties were given the opportunity to sum up.

The Committee resolved:-

to refuse the licence on the grounds that the premises was not suitable or convenient for the conduct of the activity having regard to:-

- (1) the location, character or condition of the premises; and
- (2) the possibility of undue public nuisance.

LICENSING COMMITTEE

27 August 2024

TRANSPARENCY STATEMENTS

During consideration of this item and following approval that a late letter of support be accepted into the proceedings:-

The Convener (Councillor Al-Samarai) advised that she had a connection in relation to the following item by virtue of her being an Adviser on North East Sensory Services Board. Having applied the objective test, she did not consider that she had an interest and would not be withdrawing from the meeting.

The Vice Convener (Councillor Delaney) advised that he had a connection in relation to the following item by virtue of his Stepfather being blind and receiving services from the North East Sensory Services. Having applied the objective test, he did not consider that he had an interest and would not be withdrawing from the meeting.

Councillor McLeod advised that he had a connection in relation to the following item by virtue of his son was profoundly deaf. Having applied the objective test, he did not consider that he had an interest and would not be withdrawing from the meeting.

EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE - GARRY JOSEPH MCNULTY

9. 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.

As a preliminary matter, the licence holder, Mr Garry McNulty, who was in attendance, requested that the Committee consider a late letter of support from North East Sensory Services.

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

Mr McNulty spoke in support of the exemption request and responded to questions from members.

The Committee resolved:-
to grant the request for exemption from the Wheelchair Accessible Vehicle Policy.

LICENSING COMMITTEE

27 August 2024

EXEMPTION FROM POLICY - AGE OF VEHICLE - THOMAS FORBES**10.**

The Committee had before it an information note prepared by the Interim Chief Officer – Governance, which advised that the licence holder was seeking an exemption from the Age of Vehicle policy.

The licence holder was not in attendance nor represented.

The Committee resolved:-

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

CONFIDENTIAL INFORMATION

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

LANDLORD REGISTRATION (NEW) - (AGENDA ITEM 10.1)

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

As a preliminary matter, the applicant who was in attendance, requested that a late letter of support be considered by the Committee.

The Committee resolved:-

to accept the late letter of support into the proceedings.

The applicant 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 Committee resolved:-

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

LICENSING COMMITTEE

27 August 2024

At this juncture, the Convener and Councillor Malik left the meeting. The Vice Convener assumed the Chair for the rest of the meeting.

EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE - (AGENDA ITEM 10.2)

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

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

The Vice Convener moved that the request for exemption from the Wheelchair Accessible Vehicle policy be refused, however as he did not receive a seconder, the motion fell.

The Committee resolved:-

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

EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE - (AGENDA ITEM 10.3)

13. The Committee were advised that this item had been deferred at the request of the licence holder.

EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE - (AGENDA ITEM 10.4)

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

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

The Committee resolved:-

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

LICENSING COMMITTEE

27 August 2024

EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE - (AGENDA ITEM 10.5)

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

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

The Committee resolved:-

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

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

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

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

The Committee resolved:-

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

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

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

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

The Committee resolved:-

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

LICENSING COMMITTEE

27 August 2024

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

18. The Committee were advised that this item had been deferred.

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

This page is intentionally left blank

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP

ABERDEEN, 4 September 2024. Minute of Meeting of the TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP. Present:- Councillor Al-Samarai, Chairperson; and Councillors Clark, Delaney, Henrickson and Lawrence; and Alan Catto (Independent), Chris Douglas (Private Hire Trade), Russell McLeod (Licensed Taxi Offices), Luke Hulse (Independent), Hussein Patwa (Disability Equity Partnership) and Peter Campbell (Railway Station and Unite) .

In attendance:- Sandy Munro, Alexa Last and Daniel Wright (Licensing Team); Derek Jamieson and Kevin Flannigan (Fleet Services), Vycki Ritson (Engineering Team); Lucy Simpson (Development Officer); Dave Brown and Anna Beatham (Open Optimised Environments, External Consultants) and Mark Masson and Gogo Okafor (Committee Services0.

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.

WELCOME AND APOLOGIES

1. The Chair welcomed everyone to the meeting.

An apology for absence was intimated on behalf of John Weir, Fleet Manager.

DECLARATIONS OF INTEREST OR TRANSPARENCY STATEMENTS

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

MINUTE OF PREVIOUS MEETING OF 2 MAY 2024 - FOR APPROVAL

3. The Consultation Group had before it the minute of its previous meeting of 2 May 2024.

The Consultation Group resolved:-

to approve the minute, subject to adding Mr Patwa's first name to the attendees on page 1.

ENFORCEMENT OFFICER REPORT

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

The report provided details of (a) the current numbers of licensed vehicles and drivers compared to August 2023; (b) street knowledge test statistics during the period 30 April to 20 August 2024; and (c) the Council's medical provider.

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP
4 September 2024

Daniel Wright provided a summary of the key findings of the report, noting (1) that the Council was in the process of changing its medical provider, therefore drivers should be advised that those not submitting their own medical certificates were likely to face a delay in their licence/renewal being granted; (2) that there was a historical high number of private hire vehicles; (3) that taxi driver numbers were still decreasing, however the rate had slowed down; and (4) that the number of people passing the street knowledge test had risen.

In terms of the 'Number of Tests Passed (Excluding Re-Tests)', Daniel indicated that the percentage figure should read 21% and not 9% as outlined within the report.

In relation to drivers submitting their own medical certificates, Mr Sandy Munro, Legal Adviser indicated that correspondence should be provided by a medical professional e.g. GP, stating simply that the driver meets DVLA Group 2 standards and that guidance in this regard would be updated on the Council's website.

The Consultation Group resolved:-

- (i) to note the information provided; and
- (ii) to note that the Chairperson would liaise with the appropriate Director to determine the timescale for changing its medical provider, and would advise members in due course.

MIXED TAXI FLEET - RUSSELL MCLEOD

5. The Consultation Group had before it a paper which set out the Taxi trade's proposals for a mixed fleet.

The paper (1) advised that in their view the split should be 60% saloon vehicle and 40% WAV vehicle, noting that this could not be achieved immediately and that they were conscious of LEZ restrictions applicable to Taxis which would come into effect in June 2025; (2) indicated that the number of current WAV vehicles would need to be replaced prior to June 2025, noting that if they were not, the WAV numbers could drop; (3) intimated that they would prefer to retain the policy that all new taxi licences were WAV, noting that WAV vehicles were extremely expensive, therefore there may be an opportunity for new applicants to purchase vehicles that drivers were replacing with saloons; and (4) advised that they would also advocate some form of incentive by the Council to encourage and to help drivers when they first licence a WAV vehicle, possibly with a reduced cost (£40) test fee,

In addition, the paper suggested (a) that the Stage 1 aim would be to initially get to a 50/50 split in 12 months, noting that if there was potential to achieve this instantly, there would be a need for 53 WAV drivers to convert to saloon, which in their opinion was too many, therefore it should be done in a controlled manner; (b) that from the outset, the licensing authority should allow 25 WAV drivers to convert to saloon giving them 12 months to make that switch, noting that by this time next year (2025) any loss of WAV

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP
4 September 2024

vehicles due to LEZ would be apparent and a clearer picture would emerge, then move to Stage 2, which aimed to reach a 60% - 40% split by October 2026; and (c) that drivers who had held a WAV Licence the longest (from 1995 forward) would get the option to convert to saloon first, as this would be the fairest way, noting that this option should only be available for individual licence holders and not companies.

Russell McLeod spoke in support of the paper submitted by the taxi trade and responded to questions from members explaining the rationale for a 60% - 40% split.

The Consultation Group resolved:-

to note that the Taxi trade's submission for a mixed fleet would form part of the officer's report to the Licensing Committee.

TRANSPARENCY STATEMENT

At this juncture, and given that there was mention of the Aberdeen Alcohol and Drug Partnership, Mr Hussein Patwa advised that he had a connection in relation to the following item by virtue of him being a Vice Chair of Aberdeen Integrated Joint Board and a Non-Executive member of NHS Grampian Board. Having applied the objective test, he did not consider that he had an interest and would not be withdrawing from the meeting.

FIRST AID KIT REQUEST - LUCY SIMPSON

6. The Consultation Group had before it a paper from Lucy Simpson, Development Officer which provided details in relation to a request for taxi and private hire drivers to carry Naloxone within their first aid kits.

The paper (1) provided details in relation to the numbers of drug related deaths in Aberdeen City; (2) explained that Naloxone was a quick acting and safe medication which could reverse opioid overdose and buy time for an ambulance to arrive; (3) indicated that Naloxone was available as a pre-filled syringe, or as Nyxoid, which was a nasal spray and was safe to administer even if you did not know what substance had been taken; (4) explained that the Alcohol and Drug Partnership (ADP) had been looking to widen the reach of Naloxone across the city, beyond alcohol and drug services, to ensure that naloxone was available in the vicinity of anyone experiencing an overdose; (5) advised that having Naloxone in taxis could serve as a crucial first response, complementing existing emergency medical services and improving overall community resilience; and (6) intimated that the ADP requested that drivers carry Naloxone nasal spray within their first aid kits.

The Group heard Lucy Simpson advise that the Council would provide drivers with free Naloxone nasal spray kits and training (90 mins) to administer the medication would be provided in-person or online.

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP
4 September 2024

Taxi trade members were very supportive of the initiative, noting that they would feed this information back to their drivers and would liaise with licensed operators.

It was noted that should drivers require to restock their Naloxone kit due to it being used, damaged or expired they could do so by contacting Lucy Simpson at lumcnicol@aberdeencity.gov.uk

The Consultation Group resolved:-

to encourage all taxi and private hire drivers to sign-up to carry Naloxone nasal spray within their first aid kits.

**PROCEDURE FOR TAXI AND PRIVATE HIRE VEHICLE LICENCE HOLDERS -
REMOVING AND REINSTATING METERS IN HIRE AND REWARD VEHICLES -
CHRIS DOUGLAS**

7. The Consultation Group had before it a paper from Chris Douglas which sought clarity on the procedure for taxi and private hire vehicle licence holders relating to removing and reinstating meters in hire and reward vehicles.

The paper (1) sought details in relation to current regulations and whether all operators were compliant in insisting that any driver who was recruited must install a meter in their car in order to do their job; (2) noted that another recent licensed operator in the city did not insist that their drivers install meters and this had created inherent challenges for the other operators as they would always require drivers to have meters which we believe protected both the customer and the driver to a fair and transparent pricing structure; (3) explained that this would result in a two tier system of pricing which was not something they we subscribe to; (4) indicated that given this was a new way of working, suggested that they would also expect to see a disclosed list from the Council as to which licenced drivers were operating with a meter installed so they could be aware of the drivers we could not work with explaining that they could not have drivers working for two operators where one had an expectation of the metered rate being charged and the other did not, without disclosure of those licensee's to the trade.

The Group heard from Sandy Munro, Legal Adviser who advised that there may be a requirement to amend current procedures/regulations. He explained that taxis were required to install meters and to use them for all journeys/fares, however private hire vehicles do not have to install meters, noting that if they did, they would need to use them, but if they did not have meters installed, they would be required to agree a fare up front with the passenger for their journey.

It was acknowledged that that any suggested changes to the procedures in this regard or to the taxi inspection manual would be considered by the Group.

The Group resolved:-

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP
4 September 2024

to note the information provided.

QUEEN STREET PROJECT - ANNA BEATHAM

8. The Consultation Group had before it by way of a late circulation, details relating to the redevelopment of Queen Street to create the opportunity to introduce new uses into the area, as well as new public spaces.

The Group heard from the consultants, Anna Beatham and Dave Brown, Open Optimised Environments who provided a presentation on the proposals of the project which would improve the amenity of the area and encourage economic and environmental sustainability in this key City Centre location.

The Group were asked to consider the existing taxi rank usage on Queen Street and the proposed parking proposals i.e. the feasibility of one rank instead of two or if a drop-off zone would be better suited.

The Group were advised that the Council's design team were now finalising their designs for the urban park in advance of a planning application being submitted in September 2024.

During discussion, the following was noted:-

- that a taxi rank in the vicinity required to be larger (4 or 5 spaces) given the nearest alternative rank was some distance away at Back Wynd;
- that due to the developments for a new Market and given Hadden Street rank was closed at this time, could the location of a rank on Exchequer Row or at the Castlegate be considered;
- that a holistic approach was required to identify suitable options for taxi ranks in the city centre;
- that a rank of only one or two spaces would unlikely be used by drivers;
- that there was no scope to provide additional taxi rank bays in the Queen Street project due to safety issues and current loading bays/disabled parking/car club bays; and
- that there was a need to keep disabled parking bays and drop-off points for taxis separate.

Sandy Munro, Legal Adviser indicated that the Taxi Demand Survey would include details of taxi rank usage and potential for additional ranks in the city centre.

Given the concerns expressed by the Group with regards to the very short time they had been given to discuss and consider the taxi issues in terms of the Queen Street project, there was general agreement amongst members that the planning application should not be considered by the Planning Development Management Committee in September. It

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP
4 September 2024

was suggested that officers should enter into meaningful dialogue with the taxi trade in this regard.

The Consultation Group resolved:-

- (i) to note that Vycki Ritson would investigate whether the Hadden Street taxi rank would have reduced bays following completion of the new Market development and would circulate a response to members in due course; and
 - (ii) to note that the views and concerns of the members would be considered by the design team, noting that if the planning application could not be delayed, consideration would be given to amending the wording to include deliberations around taxi rank provision in the surrounding area and whether some flexibility could be built into the application.
- **COUNCILLOR GILL AL-SAMARAI, Chairperson**

	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			9 October 2024						
4	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	D	The process of assessing and reissuing all Residential Caravan Sites Licences will not be completed until the end of November, therefore, information on additional licensing conditions and/or mandatory conditions will not be possible until then.
5	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		Mark Masson	Governance	Corporate Services	Intro 3		
6			4 December 2024						
7	Street Trader's Licence Policy	to review existing policy and determine if a review exercise is required		Sandy Munro	Governance	Corporate Services	16.3		
8	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	No Reports scheduled at this time								
18									
19			17 December 2025						
20	No Reports scheduled at this time								
21			TBC						
22	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		
23	Second Hand Dealer's Licence Resolution	to review existing resolution and determine if a review exercise is required	On 26/8/24 the Committee were advised that the report was delayed due to a transitional period for consultation exercise providers	Sandy Munro	Governance	Corporate Services	16.3		
24	Public Entertainment Licensing Resolution	to consider the results of the review of Public Entertainment Licensing Resolution	On 26/8/24 the Committee were advised that the report was delayed due to a transitional period for consultation exercise providers	Sandy Munro	Governance	Corporate Services	16.3		

This page is intentionally left blank

ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	9 October 2024
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Membership and Remit of the Taxi and Private Hire Car Consultation Group.
REPORT NUMBER	CORS/24/097
DIRECTOR	Andy MacDonald
CHIEF OFFICER	Jenni Lawson
REPORT AUTHOR	Mark Masson
TERMS OF REFERENCE	Introduction 3

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to consider changes to the membership and remit of the Taxi and Private Hire Car Consultation Group (T&PHC Consultation Group).

2. RECOMMENDATIONS

That the Committee:-

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

3. CURRENT SITUATION

- 3.1 The T&PHC Consultation Group is a working group of the Licensing Committee and currently consists of a maximum of seven Elected Members and nine representatives of the taxi trade, of whom one would represent the airport operators and one would represent all licensed taxi offices,. The Disability

Equity Partnership (DEP) also sends one representative as a member of the Group.

- 3.2 Additional attendees include the Council's Enforcement Officer(s), the Fleet Services Manager, a legal adviser representing the licensing function and a representative from Police Scotland. Other relevant representatives and officers will be invited to attend meetings on an ad hoc basis.
- 3.3 Taxi trade members must represent a specific and recognised interest group. It is understood that the representatives will report to their members after meetings.
- 3.4 On 26 August 2022 the Taxi Trade requested that an additional meeting be held of the Group each year (from 3 to 4) in order that any relevant taxi trade issues and recommendations of the group could be submitted for consideration of the Licensing Committee on a more regular basis. There was a general agreement amongst members of the Group that an extra meeting would be beneficial for the trade members, given the city centre changes and the requirement for taxi trade feed in, following the measures which were put in place during the pandemic, Low Emission Zone proposals but more specifically due to the Council's City Centre Masterplan developments. The Licensing Committee on 6 September 2022 agreed to temporarily increase the number of meetings per year of the Taxi and Private Hire Car Consultation Group to four, commencing in 2023. But given the Council have now approved these projects, albeit CCMP works were continuing at pace, it is recommended that the meetings return to three per annum commencing 2025.
- 3.5 The group acts without any powers but discusses matters of relevance to the taxi trade at the discretion of the Convener and makes recommendations to the Licensing Committee as appropriate.
- 3.6 Matters of relevance includes all matters relevant to the taxi trade in Aberdeen that are within the remit of the Licensing Committee.
- 3.7 Currently there is a vacancy on the Group, namely as an Independent Driver. Given that there are two other Independent Drivers currently on the membership, officers are suggesting that this position be deleted.
- 3.8 At present, there is no clarity in terms of whether Special meetings of the Group could be arranged, it is therefore recommended that Special meetings be added to the remit for specific and/or urgent matters, noting that requests for them must be submitted to the Clerk providing details of the item including what outcome is sought and reasons why the matter could not wait until a scheduled meeting of the Group. Thereafter, the Clerk will liaise with the Convener of the Licensing Committee (Chair of the Group) or the Vice Convener whom failing to determine (1) whether a Special meeting is to be arranged; and if it is, (2) to determine the time and date of the meeting.
- 3.9 It was generally acknowledged that substitutes would be allowed if the substantive member was absent, however this was not reflected in the

remit/membership and was raised by a new member at the December 2023 meeting of the Group.

3.10 The following wording has been included within the updated remit:-

- Substitutes can attend meetings of the Group if the substantive member is absent. In relation to elected members, the substitute must be a member of the Licensing Committee. In relation to the taxi trade and Disability Equity Partnership, the substitute should be someone from within their own specified group/organisation. The substantive member should contact the Clerk in advance of the meeting and provide details of their substitute.
- Members cannot represent more than one specified Group/Organisation.

3.11 Officers are recommending that to avoid long term vacancies on the group, members who do not attend and do not send a substitute for three consecutive meetings will receive notification from the Clerk in writing (via email) advising that a fourth consecutive non-attendance will result in removal of their membership forthwith. This will be communicated to Group members at the subsequent meeting.

3.12 The Clerk generally makes minor amendments to the remit of the Group without the requirement for Committee approval, such as changes to Group member representatives and officer designation changes.

3.13 Council on 8 February 2024, agreed to amend the number of elected members on all committees with the Licensing Committee being reduced from 13 members to 9 and the composition being as follows:-

Licensing Committee	5 Partnership	2 Lab	1 Con	1 Ind	9 total
---------------------	---------------	-------	-------	-------	---------

3.14 It is proposed that with regard to the decision taken by Council, the membership of the Taxi and Private Hire Car Consultation Group be reduced from 7 to 5 elected members with the following composition:-

Taxi & Private Hire Car Consultation Group	3 Partnership	1 Lab	1 Con	5 Total
--	---------------	-------	-------	---------

Request for an Additional Member from the Taxi Trade

3.15 At the meeting of the T&PHC Consultation Group on 6 December 2023, there was a request from the taxi trade that an additional representative be added to the membership of the Group.

- 3.16 The request advised that Aberdeen Airport, Aberdeen Taxis and Rainbow Taxis were all effectively represented on the Group, and that it would be fair that ComCab was also represented.
- 3.17 It was acknowledged that ComCab being a Licensed Taxi Office was already being represented on the group by the Managing Director of Rainbow Taxis and that an additional taxi trade member representative in this regard would not meet the criteria of any of the two vacancies.
- 3.18 It was then suggested by the taxi trade that an additional member (from ComCab) could be a representative in relation to 'Taxi Trade Disability Liaison', although it was not clear at the meeting what that new role would entail, how that would work and how this new role would differ from that of the Licensed Taxi Office representative and/or the representative from the Disability Equity Partnership.
- 3.19 The Clerk wrote to the Licenced Taxi Office representative on 4 January 2024 requesting further information in relation to the potential new role and asking that he confirm whether the new member, if appointed to the Group, would be representing any other specific and different group in the taxi trade.
- 3.20 The response was as follows:-
- "Trade members of the T&PHC Consultation Group would like to add a new member to our group. We are aware that currently there are two available spaces, but the new member we are proposing fits into neither category. The Head of Operations at ComCab Aberdeen, he took up this position around October 2023. For the first time in a while, he is someone from ComCab who wants to be involved in discussions on our trade. As it stands currently both of Aberdeen's other Taxi companies are both represented on the group, Aberdeen Taxis, who represents Private Hire Drivers and myself of Rainbow City Taxis, who represents Taxi Booking Offices, if for no other reason and given that there are available spaces, it would be, in our view sensible to allow the Head of Operations (ComCab) to be part of the T&PHC Consultation Group. He is also keen to give disability groups a focal point who they can contact directly, His tag, could be 'Taxi Groups Disability Liaison Member'. As this would be a new position, he would need time to settle in and become accustom to whom from the disability groups would be his contact. Obviously he cannot deal with every individual who has a disability, but with the groups. This is something that he and the representative from DEP could work on. In the broader picture it is important that the makeup of trade members on the T&PHC Consultation Group, has a broad spectrum of all aspects of Aberdeen's Taxi community. We ask that you look favourably on our request."
- 3.21 Following the Licensing Committee meeting on 21 February 2024, where it was agreed to instruct the Chief Officer – Governance to submit a report to the Licensing Committee at their meeting in April 2024 on the request for an additional representative from the taxi trade as the Taxi Trade's Disability Liaison member, the Clerk received an email from the DEP representative on the T&PHC Consultation Group, which requested that they would wish to express their view on the matter to avoid any ambiguity or mixed messaging prior to the Committee taking a decision, indicating that that DEP would not

want to see its role on the group, within ACC, or more widely, weakened, however inadvertently.

3.22 The following feedback was submitted by the DEP representative:-

“We have no issue with any taxi representation on the group but would seriously question the need for a duplicate disability liaison function, including how such a function would work, its purpose and its accountability. Surely that is the purpose of the Disability Equity Partnership (and the lived experience of our members, in addition to our own subject-specific knowledge that we bring) being extended an invite to join in the first place? I would also note our statutory footing as enshrined within the Council’s partnership agreement. We are very happy to have continued discussions and engagement with the taxi trade specifically, but do not understand why an additional role would be required to represent those at the consultation group. We are all individually and collectively capable of reporting back on any discussions or issues, as well as articulating our respective views on that where it is appropriate as part of the group’s remit. We remain happy for the taxi trade to approach us at any time outside meetings to take forward any work, as indeed we have already done late last year. Likewise, in addition to raising any issues as part of the official group, DEP are able and willing to approach taxi operators externally where needed should issues arise.”

3.23 Officers are of the view that there is no justification to increase the taxi trade representation on the Consultation Group at this time, given that the proposed additional position does not meet the membership criteria, and that liaison with the taxi trade representatives could still be undertaken with the Disability Equity Partnership representative on the Group. In addition, increasing the number of taxi trade representatives would not be consistent with the proposal to reduce the number of elected members on the group following the reduction in membership of the Licensing Committee.

4. FINANCIAL IMPLICATIONS

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

5. LEGAL IMPLICATIONS

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

6. ENVIRONMENTAL IMPLICATIONS

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

7. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation	*Does Target Risk Level Match
----------	------	-----------------------------------	------------	-------------------------------

				Appetite Set?
Strategic Risk	N/A			Yes
Compliance	N/A			Yes
Operational	N/A			Yes
Financial	N/A			Yes
Reputational	N/A			Yes
Environment / Climate	N/A			Yes

8. OUTCOMES

8.1 There are no links to the Council Delivery Plan.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Impact assessment completed previously, no changes required.
Data Protection Impact Assessment	Not required

10. BACKGROUND PAPERS

10.1 None.

11. APPENDICES

11.1 None.

12. REPORT AUTHOR CONTACT DETAILS

Mark Masson
 Committee Services Officer
mmasson@aberdeencity.gov.uk
 01224 067556

LICENSING COMMITTEE INFORMATION SHEET

09 October 2024

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: HUNTER CONSTRUCTION (ABERDEEN) LTD

AGENT: NONE

ADDRESS: COOPER'S COURT, DUNBAR STREET, ABERDEEN

INFORMATION NOTE

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

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

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

DESCRIPTION

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

CONSULTEES

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

REPRESENTATIONS/OBJECTIONS

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

COMMITTEE GUIDELINES/POLICY

All applications for HMO licences are dealt with in accordance with the Scottish Government's document:
['Licensing of Houses in Multiple Occupation: Statutory Guidance for Scottish Local Authorities'](#)

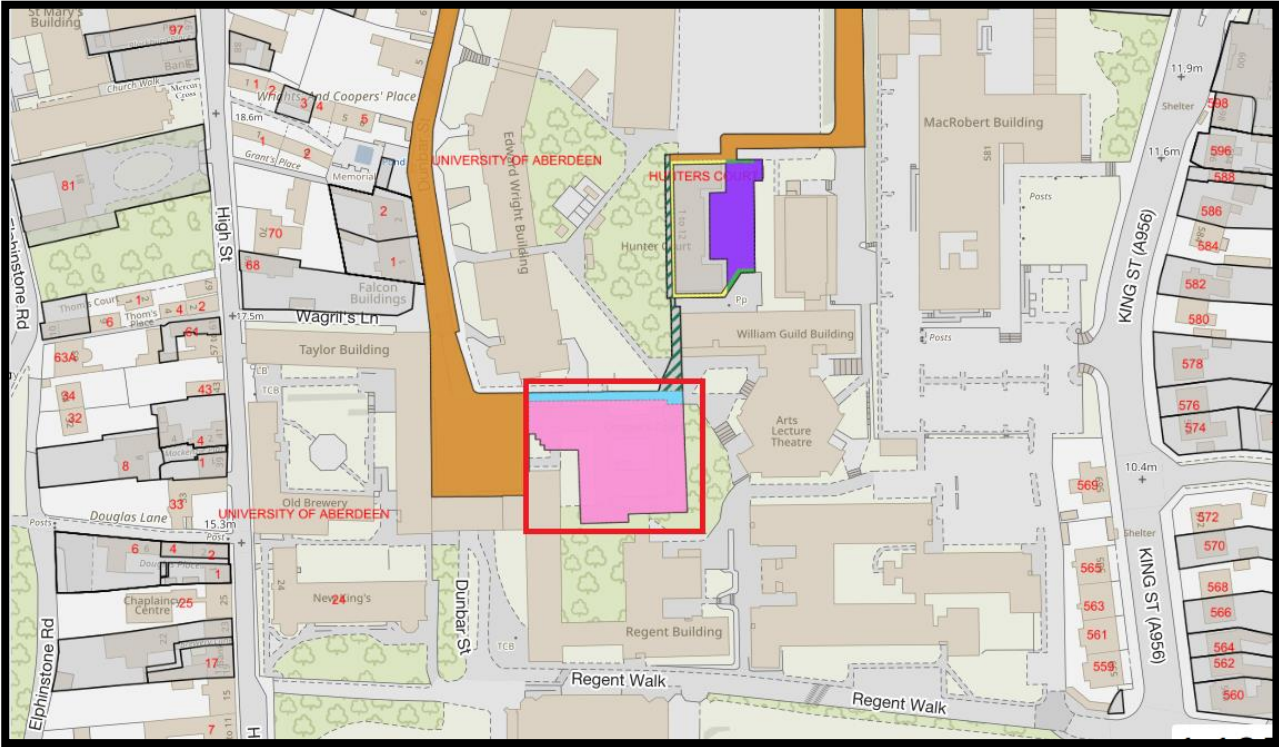
GROUNDINGS FOR REFUSAL

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

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

OTHER CONSIDERATIONS

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



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

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

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

Complaints to landlord/landlord's representative (emails)

13/09/22

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

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

12/10/22

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

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

12/10/22

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

13/10/22

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

14/10/22

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

16/10/22

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

29/10/22

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

08/11/22

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

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

25/11/22

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

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

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

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

03/04/23

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

12/04/23

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

23/05/23

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

05/07/23

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

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

10/07/23

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

12/07/23

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

18/08/23

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

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

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

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

21/08/23

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

21/08/23

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

29/08/23

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

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

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

05/09/23

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

07/09/23

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

13/09/23

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

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

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

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

28/10/23

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

Thank you for your cooperation.

31/10/23

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

Thank you for your cooperation.

02/11/23

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

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

Thank you for your cooperation.

03/11/23

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

14/11/23

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

22/11/23

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

13/12/23

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

14/04/24

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

18/05/24

Dear Mr Oakley,

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

Thank you for your cooperation.

23/06/24

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

Thank you for your cooperation.

25/06/24

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

Thank you for your cooperation.

Document created by Jonathan Tyrens 27/07/2024

[REDACTED]

[REDACTED]



10 September 2024

Aberdeen City Council
Marischal College
Broad Street
Aberdeen AB10 1AB

Dear Sir/Madam

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

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

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

His accusations of overcrowding are entirely without foundation.

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

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

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

HUNTER CONSTRUCTION (ABERDEEN) LIMITED
Centaur House, Camiestone Road, Thainstone Business Park, Inverurie, Aberdeenshire, AB51 5GT
Tel 01467 627290 ✉ Fax 01467 625791
Internet: <http://www.hunter-construction.co.uk> ✉ E-mail: info@hunter-construction.co.uk
Directors: M A Oakley (Managing) W J Shepherd (Chairman), J.Stephenson, N.Morrison (Associate)
Registered Office: 100 Union Street, Aberdeen, AB10 1QR Registered in Scotland No SC51413



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

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

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

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

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

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

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

Yours faithfully
Hunter Construction (Aberdeen) Limited R&DBS



Mark Oakley MCIQB FIHE
Managing Director



HUNTER CONSTRUCTION (ABERDEEN) LIMITED
Centaur House, Camlestone Road, Thainstone Business Park, Inverurie, Aberdeenshire, AB51 5GT
Tel 01467 627290 ☎ Fax 01467 625791
Internet: <http://www.hunter-construction.co.uk> ☎ E-mail: info@hunter-construction.co.uk
Directors: M A Oakley (Managing) W J Shepherd (Chairman), J.Stephenson, N.Morrison (Associate)
Registered Office: 100 Union Street, Aberdeen, AB10 1QR Registered in Scotland No SCS1413



(Our answers are in blue and in text boxes)

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

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

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

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

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

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

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

Complaints to landlord/landlord's representative (emails)

13/09/22

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

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

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

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

12/10/22

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

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

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

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

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

12/10/22

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

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

13/10/22

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

2

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

14/10/22

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

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

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

16/10/22

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

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

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

29/10/22

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

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

08/11/22

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

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

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

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

His complaints were concerning....

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

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

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

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

25/11/22

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

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

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

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

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

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

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

03/04/23

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

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

12/04/23

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

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

23/05/23

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

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

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

I enclose my reply to him on that day.

Email dated 23/05/23

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

05/07/23

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

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

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

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

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

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

10/07/23

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

12/07/23

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

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

18/08/23

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

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

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

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

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

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

21/08/23

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

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

21/08/23

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

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

29/08/23

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

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

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

We refute this.

-the toilet cistern remains problematic;

We refute this.

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

We refute this.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

05/09/23

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

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

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

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

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

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

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

07/09/23

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

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

13/09/23

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

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

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

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

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

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

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

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

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

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

28/10/23

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

Thank you for your cooperation.

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

The removal of rubbish is a collective responsibility of the residents

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

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

A copy of my reply to him is enclosed.

Email 30/10/23



31/10/23

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

Thank you for your cooperation.

[See above note](#)

02/11/23

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

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

Thank you for your cooperation.

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

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

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

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

03/11/23

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

We replaced the thermostat.

14/11/23

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

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

A full response to his complaint is in the appendix.

Email dated 14/11 23

22/11/23

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

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

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

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

13/12/23

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

See below.

14/04/24

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

18/05/24

Dear Mr Oakley,

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

Thank you for your cooperation.

[See below.](#)

23/06/24

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

Thank you for your cooperation.

[See below.](#)

25/06/24

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

Thank you for your cooperation.

The correspondence above is best explained in summary below.

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

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

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

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

Document created by Jonathan Tyrens 27/07/2024

[REDACTED]

[REDACTED]

Mark Oakley

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

Dear Jonathan

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

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

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

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

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

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

I replied to you on 16/09/22.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Look forward to hearing from you

Kind regards

Mark Oakley
Managing Director

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

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

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

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

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

With regards,

Jonathan P. Tyrens

BA (Hons) MA MLitt

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

From: "Mark Oakley"

To:

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

Subject: Occupancy agreement

Dear Jonathan

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

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

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

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

Kind regards

mark

Mark Oakley

Managing Director



Mark Oakley

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

Dear Mark,

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

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

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

I look forward to hearing from you.

Kind regards,
Kevin

Kevin Stewart MSP

Mark Oakley

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

Dear Jonathan

Thank you for confirming this.

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

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

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

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

Kind regards

mark

Mark Oakley
Managing Director

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

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

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

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

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

Dear Jonathan

Thank you for your email.

Addressing each of your complaints in turn.

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

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

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

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

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

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

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

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

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

Kind regards

Mark Oakley
Managing Director

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

Dear Mr Oakley,

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

Thank you for your cooperation.

Jonathan Tyrens

Sent via BT Email App



Mark Oakley

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

Dear Jonathan

Addressing your complaints in turn

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

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

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

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

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

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

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

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

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

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

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

Kind regards

Mark Oakley
Managing Director

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

Mr Oakley,

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

Jonathan Tyrens

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

Sent via BT Email App

This page is intentionally left blank

LICENSING COMMITTEE INFORMATION SHEET

09 October 2024

Public Application

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

APPLICANT: MILTON ZATA

PROPERTY MANAGER: MILTON ZATA

ADDRESS: 60 AFFLECK STREET, ABERDEEN

INFORMATION NOTE

- Application Submitted 15/05/2024
- Determination Date 14/02/2025

This Short Term Let licence application is on the agenda of the Licensing Committee for the reason that 4 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 since at the time of drafting this report, the necessary upgrading works and certification have been completed.

DESCRIPTION

The property at 60 Affleck Street, Aberdeen, is the subject of this new Short Term Let licence application and its accommodation comprises of self contained flat, with 2 bedrooms (one with en-suite), bathroom, kitchen and living room. The applicant wishes to accommodate a maximum of 4 guests, which is acceptable in terms of space and layout. The location of the premises is shown on the plan attached as Appendix A.

CONSULTEES

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

REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- Aberdeen City Council's Planning Team – no objections
- One objection letter from Andrew Lamb (Attached as Appendix B)

- One objection letter from Diane Carey (Attached as Appendix C)
- One objection letter from Jenni Colvin and Kofi Nyadu (Attached as Appendix D)
- One objection letter from Louisa Scott (Attached as Appendix E)
- One representation letter from Milton Zata (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 records of anti-social behaviour complaints in respect of 60 Affleck Street, Aberdeen:
 - 1) 30 May 2024 – Email complaint from a neighbour with allegations such as harassment, screaming, shouting and loud noises from an unlicensed Short Term Let.
 - 2) 14 June 2024 – Follow up email from a neighbour looking for further guidance, in particular the operation of 60 Affleck Street as an unlicensed Short Term Let.
- There are no Granted Short Term Let licences at Affleck Street, Aberdeen.
- The property is currently unlicensed. As the applicant is a new operator, the property cannot operate as a Short Term Let until the Licence application is determined.
- The applicant was requested to re-display the Notice. The Notice was re-displayed 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: Andrew Lamb
Sent: 03 June 2024 08:28
To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>
Subject: Objection to the attached.

From Andrew Lamb, [REDACTED] affleck street, Ab116jh.

Noise, mess and been doing this for a long time


ABERDEEN CITY COUNCIL

Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022

Notice of Application for a Licence for a Short Term Let

Notice is hereby given that an application has been submitted to Aberdeen City Council for a licence to operate a Short Term Let in respect of accommodation at:

Address	60 Affleck Street, Aberdeen, AB11 6JH
Application reference	HSTL614865013
Name of Applicant ¹	Milton Zata
Address of Applicant ¹	[REDACTED]
Name of Agent (where applicable) ²	
Address of Agent	
Name of Property Manager (where applicable)	Milton Zata
Address of Property Manager	[REDACTED]
Application date	2024-05-15
Date notice displayed (Applicant to fill this in)	2024/24/05
Application type	New

Representations about the application must:

- be in writing;
- set out the name and address of the person making it;
- be signed by that person or on their behalf; and
- be submitted to the Private Sector Housing Team, Early Intervention and Community Empowerment, Hub 11, Second Floor West, Marischal College, Broad Street, Aberdeen, AB10 1AB, no later than 28 days from the date on which the application was made.

A copy of the representation will be given to the applicant. It will also be considered by the Council's Licensing Committee and will form part of the public agenda for Licensing Committee Meeting which is available for public inspection in hardcopy and on the Aberdeen City Council website.

¹ Where the applicant is an individual this is their name and address, where the applicant is a body (e.g. company or partnership) then it is the name of the body and the address of the principal office.

² Where the agent is an individual this is their name and address, where the agent is a body (e.g. company or partnership) it is the name of the body and the address of the principal office.

'C'

Private Sector Housing Team
Business Hub 11
Second Floor West
Marischal College
Broad Street
Aberdeen
AB10 1AB

Aberdeen City Council
Housing & Environment
DATE RECEIVED 03 JUL 2024
Private Sector Housing Unit

Contact Number: [REDACTED]

[REDACTED] Affleck Street
Aberdeen
AB11 6JH

28 June 2024

To Whom It May Concern:

Notice of objection to application HSTL614865013 (licence for a short term let) in respect of the property at 60 Affleck Street, Aberdeen, AB11 6JH (closing date for objections noted as 4th July 2024)

The objection is raised on the following grounds:

1. The application runs contrary to the title deeds governing the property.
2. The property is currently operating as a short term let on an unlicensed basis.
3. The property is not suitable having regard to certain of the mandatory condition requirements.
4. There are legitimate concerns that the application is inaccurate and misleading.
5. There are valid safety, noise and nuisance concerns based on incidents which have already taken place at the property.
6. The person named on the application is not a fit and proper person.

Explanation and evidence in support of the above grounds of objection:

1. The development at Affleck Street is small, comprising 36 residential properties across 4 buildings (properties are even numbered 4 - 72). There is a mix of occupancy types with some properties being owner occupied and some being occupied by private tenants (which is permitted by the title deeds). Access to each of the buildings is controlled by separate door entry systems. Private, assigned parking for residents is secured by way of an electronic barrier. No visitor parking is permitted.

Fig 1 (attached) shows an extract from the "restrictions on use of plot" clause contained in the title deeds governing all properties within the development. As can be seen from the extract, the obligation is that all properties must remain **private residential dwellings**, occupied by **no more than one family** at any one time. Furthermore, it is clearly stated that the properties are **not to be used for any trade, business or profession**.

Therefore, the application for a short term let, to be run as a business with multiple inhabitants over short periods of time, clearly runs contrary to the stipulations of the legal title deeds governing the property.

2. Scottish short-term letting licensing laws require that new hosts and operators **must obtain a licence for a property before they can accept bookings or receive guests**. From 1 October 2023, new hosts **must not operate** without a licence. It is a **criminal offence** to operate a short term let without having first obtained the appropriate licence.

Fig 2 (attached) shows an extract (taken 24 May 2024) from "booking.com", an internet site specialising in short term accommodation. Despite not having the appropriate licence in

place, the property is **clearly being advertised** on this site as **available and ready for use**. Additionally, as can be seen from the extract, there is a user review on the site for a **2-night stay at the property dated March 2024** - some three months prior to the date of the licencing application.

Fig 3 (attached) shows an extract (taken 25 May 2024) from an internet search on the applicant named on the licencing application and an extract (also taken 25 May 2024) from said applicant's post on "LinkedIn", an internet site for professional connections. The LinkedIn post was made approximately 3 months previously and refers to "2 BTLs - Aberdeen" and "2 R2SA's - Aberdeen" (amongst other "current deals" relating to various locations across Scotland).

Given the content of both LinkedIn extracts it is evident that the applicant is experienced in property investment with involvement in several sites across Scotland. **It is therefore not plausible that the applicant would be unaware of the licencing laws with which they should comply.**

Therefore, the application for a short term let, being made circa three months after the commencement of letting activities, is clearly unlawful and in full breach of the relevant licencing laws.

Further support in relation to this specific objection can be obtained from Police Scotland citing incident reference no. [REDACTED] and crime reference no. CR/ [REDACTED]

The development at Affleck Street contains communal areas (such as hallways, stairwells, main entrance / exit doors, gardens, car park, bike sheds and an external housing containing the refuse bins). Per the **title deeds governing the development, property owners are not permitted to alter these communal areas and definitely must not employ them exclusively for their own use.**

Accordingly, the **property would be unable to meet any mandatory licencing conditions** which would require use of the communal areas (for example to attach any form of signage in a stairwell or on an entrance / exit door) and most certainly **would not be able to meet Aberdeen City Council's specific waste management requirements** as none of the communal areas within the development can be used for (nor be made available to be used for) commercial refuse collection / disposal.

Furthermore, as the property has been in operation as a short term let for at least several months and there has never been facility at the development for commercial refuse disposal / collection, then the Council's waste management requirements have already been breached as, to date, the short-term occupants of the property have not been able to dispose of their refuse in the manner required by the regulations.

By way of additional information, access to the property, by those already using it on a short term lets basis, is via keys held in key lock boxes attached to the communal bike sheds within the development. As at the date of this letter, the **Factor for the development has confirmed that the attachment of such items is in breach of the title deeds** which govern the use of communal areas and therefore they are taking steps to have the key lock boxes removed.

Additionally, in a specific communication to all owners / residents of the development on the same matter, the Factor gave notice that the key lock boxes caused a **safety concern** in that the **key lock boxes can attract attempted entry from those outwith the development.**

4. The licencing requirements clearly state that any individuals involved in the **day-to-day management of the property must be named on the application form**. If a letting agency is carrying out the day-to-day management, all company directors, partners or other persons

responsible for its management must be named on the application form. The day-to-day manager, whether a company or individual, will require to be listed as one of the licence holders. If the day-to-day manager changes at any point a new licence will be required as that will involve a change of licence holder and the legislation does not permit transfers.

Fig 4 (attached) shows an extract from an internet search (taken 28 May 2024) on the address of the applicant (as detailed on the application) of [REDACTED]. As can be seen from the extract, the address corresponds with an office block and not a private residential address. The address noted on the licence for the applicant is circa 165 miles from Aberdeen and therefore from the property seeking the licence.

Fig 5 (attached) shows another extract (taken 25 May 2024) from the applicant's page on LinkedIn. The extract shows a post by the applicant from approximately 3 months previously. The post includes a photo of the Affleck Street development together with a comment thanking "Blok Property Management for getting the property ready, role in the money". This clearly indicates that there is a property management firm in place and that they are actively looking after the property at 60 Affleck Street.

Fig 6 (attached) shows a further extract (taken 26 May 2024) from the booking.com internet site and clearly states that Blok Property Management carry out the day-to-day management of the property at 60 Affleck Street. Per Companies House, Blok Property Management is a property management company based in the Glasgow area.

Despite both the above, there is no mention whatsoever of Blok Property Management on the licence application.

Therefore, the application for a short term let on the property as submitted, is inaccurate and misleading as it does not adequately disclose the persons responsible for the day-to-day management of the property.

5. As noted at 2 above, the property has been operating as an unlicensed short term let for at least 3 months. Aside from experiencing an increase in general nuisance aspects during this time (such as, but not limited to, late-night noise, inappropriately discarded refuse materials, use by the short-term occupants of dedicated private car parking spaces belonging to other properties) there has also been a significant safety incident from within the property resulting in the emergency fire services being called to the Affleck Street development.

On 1st May 2024, in the very early hours of the morning, a resident from within the development called the emergency services to deal with smoke coming from the property at 60 Affleck Street. Thankfully, given this prompt action, no individuals came to harm and the main damage was confined to 60 Affleck Street itself. However, the other residents, their properties and the communal areas of the building were impacted by the smell of the smoke and the overall disorder and distress caused by the event. The emergency services will be able to confirm the precise cause, current understanding is that the short-term occupants of the property had placed items of food, still in their outer wrapping, into the oven. It is important to note that, despite the smoke and the activation of the building's fire alarm system, the short-term occupants of 60 Affleck Street did not taken action to call the emergency services nor to notify the other residents in the building of the potential danger.

Discussions with the Factor for the development have confirmed that no representative for the property at 60 Affleck Street has been in contact with them to discuss the above incident.

A resident within the development did finally manage to obtain details for the agents, Blok Property Management, who deal with the property on a day-to-day basis, and despite assurances given in a written response at the time, neither they nor the licence applicant

have contacted the residents of the development to provide explanation for the incident or to offer any form of apology.

Therefore, given the above, there are clearly valid safety, noise and nuisance concerns based on incidents which have already taken place at the property. Furthermore, the lack of any engagement from those managing the property clearly demonstrates that they have no regard whatsoever for the safety concerns of other residents, neighbours or local community.

6. Given the content noted at objection 1) to 5) above, the applicant clearly does not give due consideration to the laws and regulations which govern short term lettings in Scotland. Such reckless behaviour shows lack of judgement, absence of integrity and demonstrates a very poor character.

Additionally, it is clear that the applicant is not actively engaging with, or adequately overseeing, their chosen property manager because, since the emergency incident (noted at 5) above), the applicant has not been in contact with the residents of the development (or the development's Factor) in any way whatsoever (it is a reasonable expectation that active engagement with the property manager would have alerted the applicant to fact that there had been an emergency incident and that the applicant would have then taken the opportunity to engage with residents of the development to explain the situation).

It is worthy of note that the only action from the applicant since the emergency incident has been the placement of the licence application.

Therefore, it is evident that neither the applicant, nor indeed their property manager, could be considered in any way to be a fit and proper person, who would be responsible enough to comply with required laws, regulation and good conduct which govern short-term letting.

Trusting you find the above to be in order and grateful if you could confirm safe receipt,

Yours respectfully,



D Carey

Owner / occupier, [redacted] Affleck Street

RESTRICTIONS ON USE OF PLOT

(ONE) (1) Each flatbed dwellinghouse within the Development shall be used as a private residential dwellinghouse only and for no other purpose whatsoever and none of the flatbed dwellinghouses shall ever in any way be sub-divided or occupied by more than one family at any one time. Nothing herein contained will be deemed to be a prohibition against the leasing of any flatbed dwellinghouse provided that the use thereof is as a private dwellinghouse or residence. (2) No flatbed dwellinghouse within the Development shall be used for any trade, business or profession and that whether or not such trade, business or profession might be deemed in ordinary circumstances to be incidental or natural to the ordinary residential use thereof notwithstanding any rule of law to the contrary. (3) No flatbed dwellinghouse erected on the Development shall be used as a shop or

Objection to HSTL614865013 - Fig 1

18:19



< Booking.com



Objection

★★★★ HSTL614865013 Fig 2

Union Square modern 2 bedroom apartment

60 Affleck Street, Aberdeen — Excellent location — [Show on map](#)

9.0 Superb · 1 review



Entire apartment

969 ft² size

Free on-site parking

Free WiFi

AA

booking.com



9.0 **Superb** 1 review **Objection** HSTL614865013 Fig 2

Sort Filter

J [Redacted] United Kingdom 9.0

Reviewed: 6 April 2024
Superb

There are no comments available for this review

- Two-Bedroom Apartment
- 2 nights · March 2024
- Group

✓ The guest reviews express the personal opinions of Booking.com customers who filled out a questionnaire after their stay at the hotel. These

Back Reserve

18:39



Milton Zata - Director - Zata Investment Group

Hamilton, Scotland, United Kingdom · Director · Zata Investment Group

We use our years of experience to help others build wealth through property investing. Collaborating with other property professionals, we ensure that all ...

Objection HSTL614865013 Fig 3



GOV.UK

<https://find-and-update.company-information.s...>

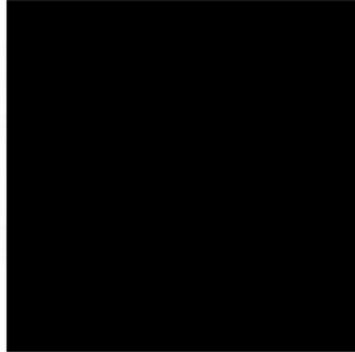


Milton [REDACTED] ZATA personal appointments - Companies House

Company status: Active. Correspondence address:



Images



LinkedIn



AA

🔒 🔍 milton zata



← milton zata

☰ Posts ▾ Latest ▾ Date posted ▾

Are these search results helpful?

Your feedback helps us improve search results



Milton Zata · 3rd+
Cashflow is King
3mo · 🌐

+ Follow ...

Objection

Hey guys,

HSTL614865013 Fig 3

A little update on the current deals I have at the moment,

- 2 R2SA's - Arbdeen
- Portfolio of 4 Flats - Alloa
- 2 BTL's - Aberdeen
- Flip Deal in - Winchburgh
- 3 BTL's - Glasgow

If you are keen on any of these give me a shout or join our WhatsApp group for weekly deals!!



Home



My Network



Post



Notifications



Jobs

12:20

Objection to
HSTL614865013 - Fig 4



Google

Sign in

1 barrack street hamilton



All Maps Images Videos News Books



Covault



Commercial property



Sou



LoopNet
1 Barrack St, Hamilton ML3 ODG...



NovaLoca
1 Barrack Street, Hamilton, ML3...

Text



Rightmove
Office to lease in 1 Barrack...



NovaLoca
Office Space to Let, 1 Barrack...



NovaLoca
SERVICED OFFICE, 1 Barrack...

AA

1 barrack street hamilton





Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022

Notice of Application for a Licence for a Short Term Let

Notice is hereby given that an application has been submitted to Aberdeen City Council for a licence to operate a Short Term Let in respect of accommodation at:

Address	60 Affleck Street, Aberdeen, AB11 6JH
Application reference	HSTL614865013
Name of Applicant ¹	Milton Zata
Address of Applicant ¹	
Name of Agent (where applicable) ²	
Address of Agent	
Name of Property Manager (where applicable)	Milton Zata
Address of Property Manager	
Application date	2024-05-15
Date notice displayed (Applicant to fill this in)	2024/24/05
Application type	New

Representations about the application must -

- a. be in writing,
- b. set out the name and address of the person making it,
- c. be signed by that person or on their behalf and
- d. be submitted to the Private Sector Housing Team, Early Intervention and Community Empowerment, Hub 11, Second Floor West, Marischal College, Broad Street, Aberdeen, AB10 1AB, no later than 28 days from the date on which the application was made.

A copy of the representation will be given to the applicant. It will also be considered by the Councils Licensing Committee and will form part of the public agenda for Licensing Committee Meeting which is available for public inspection in hardcopy and on the Aberdeen City Council website.

¹ Where the applicant is an individual this is their name and address, where the applicant is a body (e.g. company or partnership) then it is the name of the body and the address of the principal office.

² Where the agent is an individual this is their name and address, where the agent is a body (e.g. company or partnership) it is the name of the body and the address of the principal office.

Objection to HSTL614865013 - Fig 4

← milton zata

Objection to
HSTL614865013 - Fig 5



Posts ▾

Latest ▾

Date posted ▾



Milton Zata · 3rd+

Cashflow is King

3mo · 🌐

+ Follow ...

We are finally ready to go live thank you very much
Block Management for getting the Property ready,
role in the money 🙏🙏🙏



👁️ 11

2 comments



Like



Comment



Repost



Send

Are these search results helpful?

Your feedback helps us improve
search results



Milton Zata · 3rd+

Cashflow is King

+ Follow ...

60 Affleck Street, Aberdeen, AB11 6JH, United Kingdom —
Excellent location

Objection HSTL614865013 Fig 6



Managed by 

Company review score: 8.7

Based on 107 reviews from 28 properties



28 managed properties

Company information

At Blok our aim is to ensure you enjoy a great home from home experience at any of our apartments. We want you to feel relaxed, comfortable and safe when you choose to stay with us. All of our apartments have free Wi-Fi, flat screen TV, linen, towels and offer self service check in. We are delighted to look after a number of serviced apartments and holiday lets throughout the UK and hopefully you'll find something suitable for your upcoming stay when you chose Blok Property Management. Don't hesitate to get in touch and we will do our best to accommodate your request. Speak soon, Lisa & the team at Blok Property Management.

Property information

You will be close to everything when you stay at this centrally-located 2 bedroom apartment. Situated on the 2nd floor the apartment overlooks Union Square and the main Train Station. Large lounge with dining table and 6 chairs, Smart TV and WiFi. Fully fitted kitchen, with dishwasher, washing machine, large fridge freezer. Sleeping up to 4 people, the main double bedroom has an en suite, with a family bathroom and twin room. Barrier entry into the car park with a numbered parking space.

Neighbourhood information

[booking.com](https://www.booking.com)

Short Term Let Unit
Early Intervention & Community Empowerment
Business Hub 11
Second Floor West
Marischal College
Broad Street
Aberdeen
AV10 1AB

3 July 2024

Dear Sirs

Application Reference: HSTL614865013
Name of Applicant: Zata Milton
Address: 60 Affleck Street, Aberdeen, AB11 6JH

We wish to formally object to the above application for a short term let licence on the grounds referred to in paragraph (5)(3)(c)(iv) and paragraph (5)(3)(c)(iv) of Schedule 1 of the Civic Government (Scotland) Act 1982, i.e.:

(3) A licensing authority shall refuse an application to grant or renew a licence if, in their opinion:

(c) A licensing authority shall refuse an application to grant or renew a licence if, in their opinion:

(iv) the possibility of undue public nuisance; and

(v) public order or public safety.

We are aware that this property has already been operated as a short term let (having had listings on both Booking.com and Airbnb) without a licence and has caused a number of incidents in our building. The fact that the property has been listed without a licence indicates that the applicant has little regard for their legal obligations in connection with operating the property as a short term let.

The most significant was on 1 May 2024, when guests in this property fell asleep whilst cooking food in the early hours of the morning, resulting in the fire brigade having to attend the building. I contacted the listed property manager of this property on Airbnb who was not even aware of this incident, indicating that there is little control or supervision of the use of the property by guests. This obviously caused a great deal of concern amongst the other property owners and tenants in the block as to the nature of the guests staying in the property. The applicant's address is in Glasgow, so it is not clear how they will have any level of control over screening the type of guests that will reside in the property.

We note that short term lets are classified as a commercial use such that bin collection services are not covered by business rates. Applicants will need to secure a contract with a licensed waste contractor to make arrangements for collection and disposal of waste. Historically, we have had issues with residents of this property not just leaving waste in the communal bin stores but in communal hallways in the building and common car park. We are concerned that this problem will continue and/or worsen if the licence is granted. As above, the applicant is not based in Aberdeen so will presumably have little involvement in the day to day operation of the property.

Residents of this short term let routinely cause noise disturbance in our building at anti-social hours. It is inevitable that some short term let occupants will not be respectful to the neighbouring properties during their stay.

Additionally, we are aware that guests of this property regularly attempt to gain access to neighbouring properties. Whilst this may be a genuine error in mistaking the property for another apartment in the building, we are concerned of the increased security risk this gives rise to.

The title deeds for this development specifically state that "*Each flatted dwellinghouse within the Development shall be used as a private residential dwellinghouse only and for no other purpose whatsoever... No flatted*

dwellinghouse within the Development shall be used for any trade, business or profession". Whilst we appreciate that title deeds do not form grounds of refusal for a licence application, we would submit that the applicant's disregard for their clear legal obligations contained in the title deeds indicate that they will have a similar disregard for their legal obligations in operating the short term let (and observing the licence conditions) if a licence is granted.

Yours faithfully

Jenni Colvin & Kofi Nyadu
[REDACTED] Affleck Street, Aberdeen, AB11 6JH

Private Sector Housing
Short Term Lets Team
Business Hub 11
Second Floor West
Marischal College
Broad Street
Aberdeen
AB10 1AB

Louisa Scott
█ Affleck Street
Aberdeen
AB11 6JH

Letter of Objection

Short Term Lets Licence Application Reference HSTL614865013. Pending Licence number 4C65013N.

I am formally writing to object to an application for a Short Terms Lets Licence for Property 60 Affleck Street, Aberdeen, AB11 6JH.

There are multiple parts to this objection which have been grouped into sections relating to each part of the objection.

General

The applicant is not the host or operator of this property. The mandatory licence conditions dictate that 'Only those named as a holder of the licence can carry out the day-to-day management of the short-term let of the premises'. The day-to-day management is being carried out by a company called Blok Property Management Ltd, not the applicant. Blok Property Management Ltd are not named on the licence application. The applicant has provided an office address in Glasgow for the applicant / property manager which does not seem correct if they are managing an address in Aberdeen on a day-to-day basis. Blok Property Management Ltd are also based in Glasgow which does not seem correct as the property is based in Aberdeen. The applicant is also not the named property owner of the property as per the Scottish Landlord Register and the owner of the property is not listed on the licence application as required.

Aberdeen City Council 'Guidance Notes' State the following:

"The Host or Operator as well as all owners must be named on the application form. In the case of a business, all company directors, partners, or other persons responsible for its management must be named on the application form."

As previously stated, the owner of this property is not listed on the licence application form.

Aberdeen City Council 'Guidance Notes' also states the following:

"Any individuals involved in the day-to-day management of the property must be named on the application form. If a letting agency is carrying out the day-to-day management, all company directors, partners or other persons responsible for its management must be named on the application form. The day-to-day manager, whether a company or individual, will require to be listed as one of the licence holders. Please Note – this means that if you change the day-to-day manager at any point a new licence will be required as that will involve a change of licence holder and the legislation does not permit transfers."

As again stated above, Blok Property Management Ltd are the managing agent of this property and are not listed on the application form.

Therefore, the information provided on the licence application could be deemed to be false and or misleading as they have failed to include the property owner details or the managing agent details.

The application that was posted in the stairwell on 24th May 2024 disappeared from the stairwell on 6th June 2024 and was not in place for the required 21 days (picture of the notice dated 24th May 2024 is attached as part of this document).

The notice reappeared on 6th June on a lamppost outside of the building. Aberdeen City Council advised me that this was because the original notice was not posted in an appropriate location to be viewed and objected to by the public, if they so desired.

Section 1 – Previous Complaints relating to This Property

Section 1.1 – Council Complaint

I submitted a Complaint of property 60 Affleck Street, Aberdeen as being run as a short term let without a licence to Aberdeen City Council on 1st May, 2024. I submitted two complaints on 1st May regarding two separate properties within the building I live in both operating without licences.

The two complaint reference numbers were acknowledged by automated email response from the council are listed below, one of which relates to 60 Affleck Street, the other relates to another property. Screenshots of the automated emails received by the council are screenshotted below.

HSTLC610924086

HSTLC6109S8542

As of 30th May, I had no correspondence from Aberdeen City Council regarding these two complaints and yet the council had received a licence application for a short term let dated 15th May 2024, two weeks after my complaints were made. The licence application is dated 15th May and the posting of the notice within the building is 24th May, months after this property had been illegally operating as a short term let and weeks after a complaint was made regarding illegal operation. When I was forced into calling the police due to the ongoing issues I was having with these properties (issues relating to number 60 Affleck Street are detailed later within this document), they advised me to follow up with the council regarding my complaint references, the correspondence from the council regarding this is attached in Appendix A.

Short Term Lets Complaint recieved

Aberdeen City Council <noreply@aberdeencity.gov.uk>

Wed 01/05/2024 21:06

To:louisascott1004@hotmail.co.uk <louisascott1004@hotmail.co.uk>

Dear Customer

Reference number: HSTLC610924085

We have received your complaint and an Officer shall review this shortly.

Should we require any further information we shall email you so please monitor your email account for any updates from us.

You can access your account by visiting <https://integration.aberdeencity.gov.uk/login/>

Kind Regards

Aberdeen City Council



ABERDEEN

CITY COUNCIL

[<https://www.aberdeencity.gov.uk> /[/www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk) | Twitter:

@AberdeenCC | Facebook.com/AberdeenCC

Your personal data is very important to us. Please refer to information on why and how we use your data at <https://www.aberdeencity.gov.uk/your-data/why-and-how-we-use-your-data>

Short Term Lets Complaint recieved

Aberdeen City Council <noreply@aberdeencity.gov.uk>

Wed 01/05/2024 21:41

To:louisascott1004@hotmail.co.uk <louisascott1004@hotmail.co.uk>

Dear Customer

Reference number: HSTLC610928542

We have received your complaint and an Officer shall review this shortly.

Should we require any further information we shall email you so please monitor your email account for any updates from us.

You can access your account by visiting <https://integration.aberdeencity.gov.uk/login/>

Kind Regards

Aberdeen City Council



ABERDEEN

CITY COUNCIL

[<https://www.aberdeencity.gov.uk/>]/www.aberdeencity.gov.uk | Twitter:

@AberdeenCC | [Facebook.com/AberdeenCC](https://www.facebook.com/AberdeenCC)

Your personal data is very important to us. Please refer to information on why and how we use your data at <https://www.aberdeencity.gov.uk/your-data/why-and-how-we-use-your-data>

Section 1.2 – Building Management Complaint

I have made complaints to our building management company (Newton Property Management Ltd) regarding the ongoing safety issues and vandalism issues resulting from illegal short term lets being run from this building (inclusive of number 60). The issues relate to individuals staying in these properties trying to get into my home multiple times a week, fire safety issues relating to 60 Affleck Street, security doors being propped open when the individuals are having parties in these properties, smoking out of communal windows, etc. Please refer to the enclosed correspondence I have had with Newton Property Management Ltd relating to the concerns on 2nd May 2024 in Appendix B.

There was a letter issued by Newton dated 26th April 2024 relating to keyboxes being installed on communal property within the complex and that they would be removing them by the end of May 2024. They are not permitted to be there and the securing of them has potentially caused damage to communal property. This complaint to Newton regarding the keyboxes appears to have been made by a separate resident but is referenced within the correspondence included in Appendix B. As of 3rd July 2024, Newton has failed to remove the keyboxes. However, the above mentioned applicant's keyboxes have been removed as of 21st June.

Section 1.3 – Short term let hosting website Complaints

I have recently started submitting complaints to Air BnB regarding the illegal use of these properties and the attempts by guests of these properties trying to gain access to my home.

The issue with complaining to these companies is that as the property is listed on booking.com and Air BnB, when issues arise, I do not know which platform should be receiving the complaint as I do not know which platform these guests have booked through.

Air BnB case number A18993451 was raised on 26th May 2024 after I reported 60 Affleck Street to them for operating without a licence. This was after seeing the notice of application for a licence in the stairwell whilst there were guests in the property. As of 28th May, there were still guests occupying this property. Air BnB's response to my complaint is attached in Appendix C where they indicate that they are unable to do anything and that it is the property owner's responsibility to abide by the law.

The guests staying within number 60 Affleck Street at this point in time have left a review on Air BnB which can be viewed later in this document regarding the illegal use of this property as a short term let prior to a licence being granted.

Section 1.4 – Blok Property Management Ltd Complaint

Blok Property Management were contacted by me on 26th April 2024 due to the ongoing attempts by its guests to try and get into my home and the impact it was having on my personal safety and wellbeing. After receiving no response from them, there was another incident with their property that resulted in the fire brigade being called out to the building in the early hours of Wednesday 1st May 2024 due to negligence from the guests staying within the property. This incident is detailed in both my correspondence with Newton and Blok Property Management Ltd. The emails from Blok Property Management are attached in Appendix D. I do not have a reference number from the fire brigade from this incident but it can be easily obtained from the fire service if required. My correspondence with Blok Property Management was almost 3 weeks prior to the applicant even applying for a licence which is clear evidence that this property was operating before the licence had been applied for and in clear breach of the Civic Government Scotland Act 1982 (Licensing of Short Term Lets) Order 2022. The only way I was able to find a contact to send my initial complaint to was through some searching of booking.com and Air BnB where Blok Property Management were, and still are, listed as the managing agent of this property, not the applicant of the licence. You will see from this correspondence that I advised Blok that any further attempts to gain access to my home by the guests they were allowing to stay within it, would result in me calling the police. Unfortunately, they failed to adhere to providing clearer instructions for their guests, and this was the next step I was forced to take.

Section 1.5 – Police Complaint

Due to ongoing issues with short term let guests trying to gain access to my home who were staying in number 60 Affleck Street and another property operating as an illegal short term let within the building, I was forced into the position of calling Police Scotland. I have had to contend with random strangers trying to gain access to my home up to 5 days a week due to these properties. I had two separate sets of strangers trying my door within half an hour of each other on the day I called the police. Once at 17:45 and another at 18:15. The police reference number for this call is [REDACTED] of the 27th May 2024. A little later in the evening I received a voicemail from the Police Resolution Team in the North with a reference number of [REDACTED] of the 27th May 2024. I phoned them back and was advised the call was relating to the fact that I had mentioned that these properties were running illegally in my initial call reference [REDACTED]. The police then scheduled an appointment to come to my home and take a formal complaint on the illegal short term lets operating within this building inclusive of 60 Affleck Street. The appointment was scheduled for 15:30 on Thursday 30th May. Unfortunately the responding officer was unaware that this was illegal and did not take a statement but directed me to the shorttermlet@aberdeencity.gov.uk and CST@aberdeencity.gov.uk email addresses. There were guests staying in Number 60 Affleck Street at this point in time so it was disappointing that the police were not aware of the law on this occasion as they could have verified the fact that there were guests staying there while they were at the address. My correspondence with both council email addresses are attached in Appendix E. The council advised me that this in fact was a Police Scotland complaint and so I contacted the police again with my reference [REDACTED] of the 27th May 2024 via their email service on 31st May 2024 and received reference number [REDACTED]. I then received a voicemail on 3rd June 2024 with a new reference number of [REDACTED] of the 1st June 2024 from the Resolution Team in the North again asking me to call them back.

I could not get through on 101 on 3rd June to return their call but they called me back on 4th June at approximately 15:45 advising that they will have a different officer make a call to me to take the statement as they confirmed that operating a short term let without a licence is illegal and a Police Scotland matter. They arranged for a call to be made to me between 19:00 and 21:00 on 7th June. I made my police statement on 7th June 2024, crime reference number: [REDACTED]. The interesting fact about this day, is that number 60 Affleck Street had guests staying in their property that very evening. This was over 3 weeks after applying for licence and also after Aberdeen City Council had informed them that they could not operate without a licence. The guests arrived in the property the day after the applicant moved the licence application to the lamppost outside from the building stairwell which demonstrates that the applicant was in full knowledge that they could not host guests during the licence application process but chose to do so anyway. These guests kindly left a glowing review of their stay in June on Booking.com which can be viewed later within this objection document.

Section 2 – Safety

Section 2.1 – Home Security

Due to these ongoing issues relating to strangers staying in this building and trying to get in my front door regularly, I purchased a Ring doorbell to capture these incidents on camera and submit to the council and to Police Scotland. This was recommended to me by the police and purchased before my police complaint due to my personal safety fears. This was purchased on Friday 24th May, my initial police complaint was made 3 days later to indicate this timeline and the escalation of my personal safety fears. This camera has come at a personal cost of approximately £100.00 to me and will cost a further £8.00 per month to pay for the subscription for the recording function. These properties are compromising my safety in my own home so much that I am now having to be out of pocket to protect myself and my home and call the police on their guests for attempted breaking and entering. This has been my home for 15 years and I have never felt the need to put home security in place prior to these illegal short term lets appearing in my building with no regard for the safety of the individuals who reside here. No one should be fearful in their own home due to the actions of others and this has been the result of Number 60 Affleck Street operating here. I have been fearful, and have felt genuinely scared at random strangers trying my door handle, trying to put keys in my front door lock, and some of them throwing their bodyweight against my door to try and force it open when the handle and key did not work. These are scary situations and the fear and alarm that I have had to contend with is downright unacceptable. There have been evenings where I have been scared so badly that I am sat in my home literally shaking. No one should have to live in fear like this.

Section 2.2 – Keyboxes

This property had two keyboxes attached to communal property within the complex that were in place since February 2024. As they are plastic keyboxes and were screwed into the wooden facing on the communal bike shed, they were fairly easy for someone to remove and break open which would allow anyone, who so desired, access to the building I live in. This in itself is a major safety concern for myself and the other residents that live here. It is also a further reason why I am now calling the police when there are any attempts to open my front door. I have no way of determining who is trying to gain access to my home, or why. Leaving keys to a residential building in an openly accessible area is negligible. Anyone could acquire keys to this building due to the negligence of the applicant essentially leaving the keys outside leading to potentially much more serious and immediate safety issues for residents.

I note that the keyboxes for Number 60 Affleck Street were removed by 21st June 2024 after our building management company advised all property owners that they have no right to attach these to communal property of the complex without express permission from ALL property owners. They are unable to achieve this. Self check-in is clearly not an appropriate option for this property due to the clearly vague directions to gain access to the property from Blok leading guests to a side entrance door which leads guests directly to my front door.

Section 2.3 – Police Reporting

I have never had to call the police on my neighbours before and as you will see from the timeline of events, this was my last resort in trying to find some resolution to this. The police have advised to phone them and submit the evidence of the doorbell camera when these incidents happen and they will respond. The incidents of people trying my door were unfortunately prior to my doorbell camera arriving, although there have been a few attempts to open my door since the camera was installed and the Community Safety Team at Aberdeen City Council is being fully updated every time this happens. I guarantee that if the Applicant, the employees of Blok Property Management Ltd, or members of this licencing committee had random strangers trying to gain access to their home 5 days a week, they would have something to say or do about it.

Section 2.4 – Fire Safety

The unfortunate incident that resulted in residents having to call the fire brigade is also of great concern (referenced within my communication with Blok and Newton within Appendices B and D). Not only did the guests staying in the property not phone the fire service themselves, it would appear that they did not even notify Blok Property Management, the applicant, or the landlord of the property of the incident. It was myself and at least one other resident living within the building who advised Blok Property Management of the incident that day and the next day. The first response of Blok was to check on the property, not on the residents that live here who had to live through that scary morning. [REDACTED] from Blok advised my neighbour in that apology letters with contact details for Blok would be posted through everyone's doors the next day due to the situation. Apology letters, contact details? Nothing appeared on anyone's doorstep the next day. It is a clear demonstration that Blok Property Management have a complete lack of regard for safety of the residents of this building and could not even be bothered following up with the information they advised they would provide.

To summarise the incident, approximately 03:00 – 03:30 in the morning of 1st May 2024, the entire block of flats was awoken to the fire brigade responding to Number 60 Affleck Street. The fire alarms within their flat and the communal fire alarms were all sounding and at least 2 fire engines responded to the residents 999 calls. No attempt to call the emergency services was made by the short term let guests illegally occupying the property. A more detailed breakdown of this incident can be viewed in Appendices B and D.

Many of us within this building hold down professional jobs which are unable to be fully fulfilled with a lack of sleep and an ongoing fear of complete random strangers endangering our lives.

I would like to note to the committee that this incident occurred 2 weeks prior to this property even attempting to obtain a licence to operate and literally within a week of me emailing Blok regarding the continued attempts of their guests trying to gain entry to my home. You will see from the correspondence I had with [REDACTED] at Blok Property Management in Appendix D that they actually acknowledged the incident, apologised for the ongoing issues, and then basically tried to tell me it was not that bad which is a ridiculous statement from someone who was not present and

was not awoken that morning to a smoke filled building with the fire brigade traipsing past their front door. Unfortunately the correspondence from Blok only further demonstrates their complete lack of care for the safety of residents within this building regarding not only fire safety but also downplaying of major safety issues that they caused.

Section 3 – Licence Conditions

Section 3.1 – Public Liability Insurance

As this property was operating without a licence, I am unsure if they had / have public liability insurance in place for the property. They have been operating since February / March 2024 without a licence so I have very little belief in them that they care enough to obtain this.

Section 3.2 – Waste Management

The property was using our residential waste receptacles whilst operating without a licence. If this property had a licence, it would be classed as commercial useage and therefore under the licence conditions, the applicant, any managing agents and guests should have no access to our residential waste receptacles. Unfortunately I do not see how this can be enforced or managed as the residential waste bins are located within the complex. The commercial waste bins cannot be located within the complex as per the same rules laid out by Newton regarding the keyboxes being on communal property and also as there is nowhere to place commercial waste receptacles within this complex. I cannot see how the applicant, who appears to be based in Glasgow, can ensure that guests use the correct waste receptacles. This does not meet the licence conditions of a short term let licence.

Section 3.3 – Disturbance

Unfortunately, since this property starting operating as a short term let in February / March 2024, I have had my front door tried on many occasions leading to my initial contact with Blok Property Management Ltd in April 2024. Even after receiving apologies from the company, it continued to happen which indicates that this has not been dealt with effectively by the managing agent. I have had to call the police and contact both the Short Term Lets team and Community Safety Team on their guests since I advised Blok that it would be the next step to dealing with this if it continued.

If the building they are attempting to licence a short term let in is too complicated for their guests to navigate in and out of without leading to the police being called for attempted breaking and entering, this does not meet the licence conditions to operate a short term let as this is an ongoing disturbance to me and my home. The side entrance door to this building is clearly not an appropriate place to direct guests to if police call outs are going to be the result.

Section 3.4 – Disturbance Reporting

Unfortunately, the applicant address is listed as an office block in Glasgow and therefore the applicant would be most likely unable to attend to any instances of disturbance, nuisance, or antisocial behaviour as they arise. As they are not listed as local to the city of Aberdeen, they would be unable to deal with any issues in a timely manner. This also does not meet the license conditions.

Section 4 – Evidence of Illegal Operation without a Licence

Section 4.1 – Correspondence with other Parties Previously Referenced within this Document

As you will see from my attached documentation to this objection, there has been correspondence with Newton and Blok Property Management regarding this property prior to their licence application dated 15th May 2024. If this property was operating legally and had caused me no issues, there would have been no reason for me to contact either of these parties. The very fact that Blok Property Management responded to me regarding the ongoing issues I was having with their guests should be reason enough, but I have provided further evidence of operation without a licence to avoid any doubt for Police Scotland and the Licensing Committee as a whole.

Section 4.2 – Links and Screenshots to Online Booking Websites Advertising this Property

Air bnb Link:

https://www.airbnb.co.uk/rooms/1086127547526588277?adults=1&children=0&enable_m3_private_room=true&infants=0&pets=0&search_mode=regular_search&check_in=2024-06-01&check_out=2024-06-06&source_impression_id=p3_1716889828_kDIYYu8A9DEKcrwX&previous_page_section_name=1000&federated_search_id=5d9cf827-6373-40d8-9b78-3f670690a01d

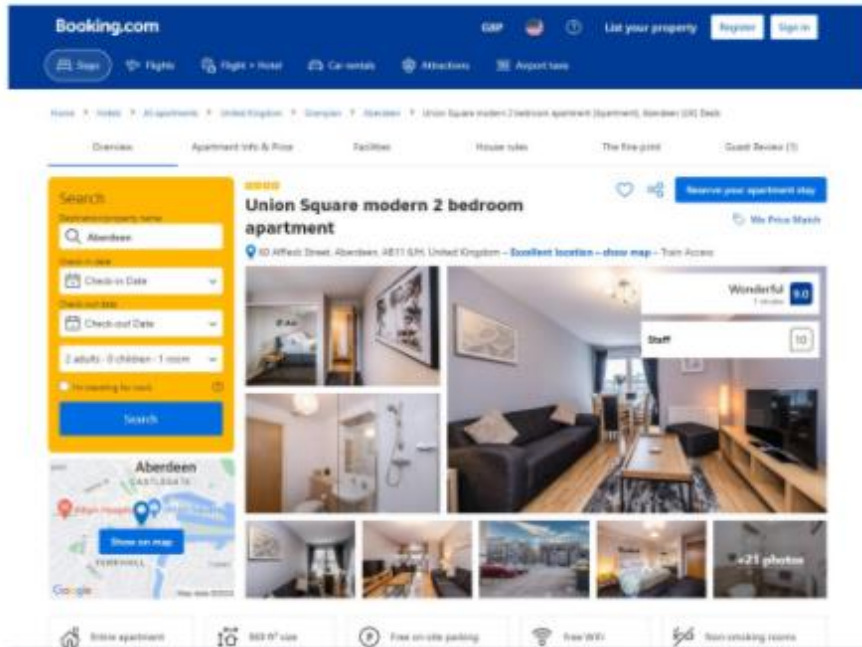
Booking.com Link:

https://www.booking.com/hotel/gb/union-square-modern-2-bedroom-apartment.html?aid=304142&label=gen173nr-1FCAEFoggI46AdIM1gEaFCIAQGYATG4ARfIAQzYAAQH0AQH4AQKIAgGoAgO4ArO81rIGwAIB0gIkNDQ5MDQyVWEtMGNmZC00ZDhmlWl0QGQTYmImZGF4ODI0NDI32AIF4AIB&sid=90bb72fa345879111ab27424923752bf&dist=0;group_adults=2;group_children=0;hapos=4;hpos=4;no_rooms=1;req_adults=2;req_children=0;room1=A%2CA;sb_price_type=total;sr_order=distance_from_search;stepoch=1716887120;srpvid=32b03fe43c65017c;type=total;ucfs=1&#tab-main

As you can see from the screenshots below, not only is this property being advertised on both Booking.com and Air BnB (screenshots taken on 28th May 2024), it was available to book as per the calendar screenshots of May and June, and beyond. It also has a review on Booking.com dating back to April 2024 from a guest that stayed 2 nights in March 2024 which is a clear indication that this has been operating illegally since at least March without a licence. Further reviews have since appeared on Booking.com and Air BnB from guests staying there at end of May 2024 as stated earlier in this objection, and the previously mentioned June 2024 review (dates taken for each screenshot are provided for each). These adverts online were also how I managed to track down [REDACTED] at Blok Property Management Ltd back in April. They mention that they want their guests to feel 'relaxed, comfortable and safe' but seem to have little regard for the law by operating without a licence, and little regard to residents feeling 'relaxed, comfortable and safe' within their own homes.

The majority of these screenshots were taken on 28th May 2024 but some have been taken after this date. I have further screenshots of these listings on my phone dating back to 1st May 2024 and had previously viewed them prior to 1st May to enable me to contact [REDACTED] at Blok in April 2024 regarding the issues I was having with the guests she was allowing within it.

4.2.1 Booking.com Listing – Calendar availability and Reviews



Screenshot taken 28/05/24

With free WiFi, this 2-bedroom apartment features a flat-screen TV, a washing machine, and a fully equipped kitchen with a dishwasher and oven. Towels and bed linen are available in the apartment. The accommodation is non-smoking.

During the colder months, guests can enjoy winter sports in the surrounding area.

Popular points of interest near the apartment include Aberdeen Harbour, St Mary's Cathedral, and Aberdeen Railway Station. The nearest airport is Aberdeen Airport, 6.2 miles from Union Square modern 2 bedroom apartment.

Distance in property description is calculated using © OpenStreetMap.

Most popular facilities

- Free parking
- Free WiFi
- Non-smoking rooms

property has an excellent location score of 10.0

Free Private Parking Available On Site

Reserve

Availability

Select dates to see this property's availability and prices

Check-in Date — Check-out Date 2 adults · 0 children · 1 room **Search**

May 2024							June 2024						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
		1	2	3	4	5						1	2
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28	29	30

Approximate prices in GBP for a 1-night stay

Check-in Date - Check-out Date

Number of guests	
2	Show prices

See availability

10	Cleanliness ↑	10
7.5	Location ↑	10

Screenshot taken 28/05/24

Booking.com

Home > Hotels > Apartments > United Kingdom > Aberdeen > Union Square

Overview Apartment Info & Price Facilities

Union Square modern 2 bedroom apartment

10.0/10

10 reviews

Categories:

- Staff ↑ 10
- Facilities ↑ 10
- Cleanliness ↑ 10
- Comfort ↑ 10
- Value for money 7.5
- Location ↑ 10

Filters

Reviews: All (1) Review scores: All (1) Languages: All (1) Free of year: All (1)

Guest reviews

John robert Reviewed April 9, 2024

Wonderful


The Bedroom Apartment

1 night - March 2024

There are no comments available for this review.

Screenshot taken 28/05/24

Union Square modern 2 bedroom apartment
 40 Abchurch Lane, London, EC4A 3DF, United Kingdom · Excellent location · [View map](#)



Filters

Reviews: All (2) | Review scores: All (2) | Language: All (2) | Time of year: All (2)

Select topics to read reviews: [Parking](#) [Location](#)

Guest reviews | Sort ordered by: Most relevant

Mike · Reviewed 12 June 2024
Comfortable and enjoyable 5.0
 Top Notch Apartment · Good location and parking

John robert · Reviewed 6 July 2023
Superb 5.0
 Top Notch Apartment · There are no comments available for this review.

[View all reviews](#) [Helpful](#) [Not helpful](#)

[View apartment](#) [100 ft² size](#) [Free air con](#)
[Elevator](#) [Non smoking rooms](#) [Parking](#)

Screenshot taken 18/06/24

4.2.2 Air Bnb – Calendar Availability and Reviews

"Union Square" modern 2 bedroom

Entire rental unit in Aberdeen City, United Kingdom
4 guests · 2 bedrooms · 2 beds · 2 bathrooms
★ No reviews yet

Hosted by Lisa
4 years hosting

Self-checkin

£138 night

check in 01/06/2024 check out 06/06/2024
guests 1 guest

Reserve

Screenshot taken 28/05/24

Filters: Hodge, Microwave

Show all 37 amenities

5 nights in Aberdeen City
1 Jun 2024 - 6 Jun 2024

May 2024 June 2024

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

Clear filters

£138 night

check in 01/06/2024 check out 06/06/2024
guests 1 guest

Reserve

You won't be charged yet

£138 x 5 nights	£690
Cleaning fee	£170
Total	£860

Break this down

No reviews (yet)
Screenshot taken 28/05/24

Lisa
Host

342
Reviews

4.63★
Rating

4
Years hosting

Lisa's confirmed information

- ✓ Identity
- ✓ Email address
- ✓ Phone number

[report this profile](#)

About Lisa

Speaks English

Lives in Motherwell, United Kingdom

At B&B our aim is to ensure you enjoy a great home from home experience at any of our apartments.

We want you to feel relaxed, comfortable and safe when you choose to stay with us.

All of our apartments have free Wi-Fi, flat screen TV, linen, towels and offer self service check in.

We are delighted to look after a number of serviced apartments and holiday lets throughout the UK and hopefully you'll find something suitable for your upcoming stay when you choose B&B Property...

[Read more](#)

Lisa's reviews

"...Very handy for St Andrew's town centre. Comfortable cottage."

Anne Marie
May 2024

"...Nice cosy apartment"

Saad
May 2024

Screenshot taken 28/05/24



★ No rating yet

Average rating will appear after 3 reviews.

1 review

Most recent

Search reviews



★★★★★ · 3 days ago

Thank you, I loved the great kitchen for cooking, all very neat and organized!

Translated from Portuguese. [Show original](#)

Response from [Redacted] · 2 days ago

Hi [Redacted] thanks again for your booking and your lovely review. We look forward to seeing you again in the future.



Screenshot taken 04/06/24

Section 4.3 – Other Evidence of Illegal Operation Without a Licence

The following images were found on the applicant's LinkedIn page from 4 months ago. These screenshots were taken on 28th May 2024 which demonstrates that this post was made in February 2024.

As you will see from the first image below, the applicant seems interested only in the money and states that this property is ready to go 'live'. Unfortunately, this property did go 'live' in February 2024 without the proper licence in place and this was not applied for until 15th May.

The second screenshot is from ██████████ t Blok Property Management confirming his comment and confirms 'this gorgeous apartment is going to do really well'.

Unfortunately it would appear that both parties are complicit in the illegal operation of this property as a short term let.





11

2 comments • 2 reposts

Like Comment Repost Send

Reactions



Comments Most relevant

[Redacted] 2nd
 Blok Property Management
 3mo
 You are very welcome Milton and this gorgeous apartment is going to do really well 🌟

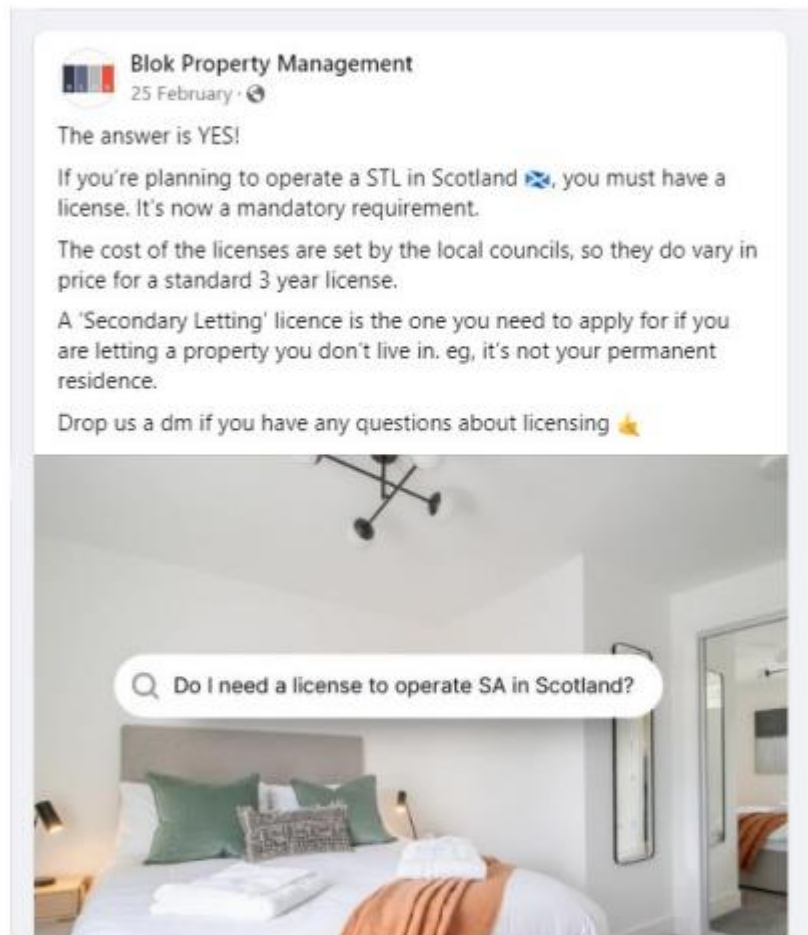
Like | Reply

[Redacted] 3rd+
 Property Consultant
 3mo
 Love this, proud of you!

Like | Reply

Leave your thoughts here... @ Post

The evidence I have that Blok Property Management Ltd are complicit in this, is the following screenshot taken from their Facebook page (this post is dated 25th February 2024). It is very clear from this post that they are aware of the law. They also decided to take on the management of Number 60 Affleck Street without a licence in place around the date that this was posted on their own business Facebook page.



Section 5 – Final Comments

My objection to this property operating without a licence has been fully laid out within this document. This property has been operating without a licence since February 2024 right up until 7th June 2024. To summarise:

- The applicant and managing agent they employ to manage this property have all been involved in the illegal operation of this property leading to at least two different emergency services call outs prior to even applying for licence.
- There is no mention of the managing agent or landlord of this property on the licence application.
- The safety and security of the residents of the building has been severely compromised by the applicant and managing agent they employ.
- There is a crime reference relating to this property operating without a licence: [REDACTED]
- Numerous attempts by their guests to gain access to my home resulting in the Police being called.
- Disturbances to the building due to negligent guests causing the fire brigade to be called
- The applicant is unable to meet licence conditions regarding waste receptacles.
- The applicant is unable to meet licence conditions relating to responding to disturbances or ant-social behaviour due to their geography in relation to the property.
- The applicant is unable to prevent disturbances to me in my own home due to the ongoing attempts to gain access to my home by their guests.

Kind regards,

Louisa Scott

5/28/24, 9:42 AM

Email - Louisa Scott - Outlook

Short Term Lets Complaint recieved

Aberdeen City Council <noreply@aberdeencity.gov.uk>

Wed 01/05/2024 21:06

To: louisascott1004@hotmail.co.uk <louisascott1004@hotmail.co.uk>

Dear Customer

Reference number: HSTLC610924085

We have received your complaint and an Officer shall review this shortly.

Should we require any further information we shall email you so please monitor your email account for any updates from us.

You can access your account by visiting <https://integration.aberdeencity.gov.uk/login/>

Kind Regards

Aberdeen City Council



<https://www.aberdeencity.gov.uk/> | www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC

Your personal data is very important to us. Please refer to information on why and how we use your data at <https://www.aberdeencity.gov.uk/your-data/why-and-how-we-use-your-data>

Please note: This e-mail message was sent from a notification-only address that cannot accept incoming e-mail. Please do not reply to this message.

IMPORTANT NOTICE: This e-mail (including any attachment to it) is confidential, protected by copyright and may be privileged. The information contained in it should be used for its intended purposes only. If you receive this email in error, notify the sender by reply email, delete the received email and do not make use of, disclose or copy it. Whilst we take reasonable precautions to ensure that our emails are free from viruses, we cannot be responsible for any viruses transmitted with this email and recommend that you subject any incoming email to your own virus checking procedures. Unless related to Council business, the opinions expressed in this email are those of the sender and they do not necessarily constitute those of Aberdeen City Council. Unless we expressly say otherwise in this email or its attachments, neither this email nor its attachments create, form part of or vary any contractual or unilateral obligation. Aberdeen City Council's incoming and outgoing email is subject to regular monitoring.

Short Term Lets Complaint recieved

Aberdeen City Council <noreply@aberdeencity.gov.uk>

Wed 01/05/2024 21:41

To:louisascott1004@hotmail.co.uk <louisascott1004@hotmail.co.uk>

Dear Customer

Reference number: HSTLC610928542

We have received your complaint and an Officer shall review this shortly.

Should we require any further information we shall email you so please monitor your email account for any updates from us.

You can access your account by visiting <https://integration.aberdeencity.gov.uk/login/>

Kind Regards

Aberdeen City Council



<https://www.aberdeencity.gov.uk/> | www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC

Your personal data is very important to us. Please refer to information on why and how we use your data at <https://www.aberdeencity.gov.uk/your-data/why-and-how-we-use-your-data>

Please note: This e-mail message was sent from a notification-only address that cannot accept incoming e-mail. Please do not reply to this message.

IMPORTANT NOTICE: This e-mail (including any attachment to it) is confidential, protected by copyright and may be privileged. The information contained in it should be used for its intended purposes only. If you receive this email in error, notify the sender by reply email, delete the received email and do not make use of, disclose or copy it. Whilst we take reasonable precautions to ensure that our emails are free from viruses, we cannot be responsible for any viruses transmitted with this email and recommend that you subject any incoming email to your own virus checking procedures. Unless related to Council business, the opinions expressed in this email are those of the sender and they do not necessarily constitute those of Aberdeen City Council. Unless we expressly say otherwise in this email or its attachments, neither this email nor its attachments create, form part of or vary any contractual or unilateral obligation. Aberdeen City Council's incoming and outgoing email is subject to regular monitoring.

Appendix B – Newton Property Management Correspondence

Re: Affleck Street - Block 48 - 70 - Safety and Security Concerns

Louisa Scott <[REDACTED]>

Sat 25/05/2024 22:33

To: Newton Factor Aberdeen <[REDACTED]>

Cc: [REDACTED]

1 attachment (5 MB)

DSC_1416.JPG

Good evening [REDACTED]

Thank you for your response and I apologise for my delay in responding to this.

The windows were shut on 9th May. Hopefully any costs associated with this were placed with flat number 60 as they were very clearly the responsible party here. The fire brigade would attest to this if required.

Regarding the usage of properties being used as short term lets, whilst I appreciate that there is nothing you can do about this, I have reported both properties to the council on 1st May as operating illegal short term lets and I am awaiting a response on each as both properties (60 and [REDACTED]). As of yesterday, a notice regarding an application for a short term license for number 60 appeared in our building (please see attached). I have an audit trail to you, the council, and the property manager for this property to demonstrate that this property is being illegally used as a short term let without holding a license and will be pursuing this further to try to ensure a short term lets license is not granted due to it not adhering to the deeds of the property and also the criminal and antisocial behaviour associated with it. There are people staying in this property tonight and there is no license in place which is against the law. Disregarding the deeds of the properties, I am slightly surprised that you feel you have no authority to report properties which are quite blatantly breaking the law. This does not help me feeling safe in my own home knowing that the factoring company responsible for the building I live in will not report criminal behaviour to the authorities.

"As factor, we are appointed to arrange maintenance for the communal areas, and to ensure that any costs associated with the common areas are shared between the property owners in accordance with the deeds, including following up with any non-payers etc"

This statement worries me. This statement insinuates that any and all vandalism caused the building caused by short term lets should be borne by all property owners. Could you please confirm this statement? as I do not believe that vandalism caused to the building by two properties should be borne by all property owners, it should be borne by the responsible party. I am unsure if you are aware, but both air BnB and booking.com allow for property owners to claim damages against their guests. Air BnB it is up to about £5k. Why should property owners be charged for vandalism caused by short term lets when the short term let owners themselves are not going to be out of pocket if you were to bill them for vandalism? They can pass this bill on to their guests and it puts the effort of recovering these costs on them, not the innocent parties in these matters. It does not seem right or fair for property owners to be charged for damages under these circumstances.

I appreciate the removal of all short term let key boxes from the communal areas by 31st May. Just as a follow up question to this, do the residents have the right to remove and dispose of any key boxes re-attached to communal property after this date in case they are re-attached to existing sites or elsewhere within the communal areas of the complex? You indicate that you cannot enforce the deeds of the properties, so I am assuming you also cannot enforce any impact on residents removing unauthorised keyboxes should they reappear after 31st May?

I would also like to highlight a couple of notes on short term lets licenses. Please see link:

<https://www.aberdeencity.gov.uk/services/housing/short-term-lets#:~:text=Short%20term%20lets%20are%20classified,on%20our%20business%20waste%20page>, to Aberdeen City Council website regarding short term lets.

"Public liability insurance

As a business, you must have public liability insurance. This must be valid for the duration of each short-term let agreement.

You should check the level of cover you need with the local council."

Could you confirm that you will receive a copy of this insurance from the property owners as part of this license agreement in case Newton or any residents have a claim to make against these properties?

"Waste management

Short term lets are classified as a commercial use. Bin collection services are not covered by business rates. Applicants will need to secure a contract with a licensed waste contractor to make arrangements for collection and disposal. You can find more information and advice on our [business waste page](#)."

Could you please confirm what action you will take against the owners of the apartments [redacted], 60 and [redacted] all are currently operating as illegal short term lets, ie commercial use as per the council website) for using our residential bins? This is very clear that they are commercial properties and require private waste management and I am sure you will agree that these waste management facilities should also not be kept on communal property as they are a commercial facility. How is Newton going to ensure that the private waste management facilities are not held on communal property? and also how is Newton going to enforce that these properties have no access to the residential bins?

I would also appreciate a letter being issued regarding the behaviour of short terms lets as detailed in your below email. In all honesty, at this point I actually don't care if it is kept anonymous or not. I have put it in writing to both owners of 60 and [redacted] that any further attempts to gain access to my property will result in a police response. They have both been put on notice of this. Whilst you think neighbourly disputes may occur due to these complaints, as the owners of these properties do not live here, I see very little detrimental impact that will occur in regards to this. As you will see from the short term let license application, the guy that apparently owns the property doesn't even live in this city, so I would very much doubt if there would be any neighbourly disputes regarding the police being called on his guests seeing as we will most likely never meet this person and I would be surprised if he had ever stepped foot on Affleck Street. If the police have to contact him due to these issues, as far as I am concerned, that's on the property owners, not on me. I don't see why my safety should be compromised due to them wanting to make a quick buck. Since I wrote my initial email to you on 2nd May, I have had at least 5 attempts at my door each week. This is completely and utterly unacceptable. If this was your home being tried 5 times a week, I'm sure you would be acting on it to

protect you home, yourself, and your family. Due the ongoing attempts to illegally gain access to my property, I have ordered a home security system to monitor my front door against these potential criminals staying in the short term lets. Please note, these could actually be convicted criminals, we have no way of knowing this due to the nature of their stay. If you had a short term let that had people trying to gain access to your home 5 days a week, would you be comfortable not knowing if these were convicted rapists, murderers, child abusers, etc? This is my daily existence right now to put it into context for you.

My home security system will be in place this week. If you cannot help me in this regard, this is the last resort I have to protect myself and my home. Two illegally operated flats within this building are causing me this much concern that I am having to install a security system. I have lived here for 15 years without concern and now this is how I am having to respond to this situation. This is not something that anyone should have to be 'putting up with'.

Finally, regarding the new seal for the carpark entrance door, please ensure it is the tubular seal type that was attached before. The seal that 64 had installed is not fit for purpose. I thought this may have been resolved by now, but this has yet to be fixed. I have the joy of being woken up at all hours in the morning from people coming in and out of the building. My walls literally shake whenever anyone goes through that door and it needs a tubular seal and potential door closer adjustment urgently. I have already spent my own money trying to soften the impact of the noise, is this reimbursable through Newton due to lack of action on getting this fixed? I am happy to provide you with bills and add a 15% cost on to these bills for my inconvenience on having to deal with these issues if these are reimbursable. Anyone quoting for this job should view the other entrance doors to familiarise themselves with the door seal type required. The door closer may also require adjusting as it slams shut rather than the previous door closer that was a soft close type. The old door closer failed a good number of years ago and I have had nothing but problems with the replacement option. Please note that the cheapest replacement option is not necessarily always the best solution to a problem.

Louisa

From: Newton Factor Aberdeen [redacted]
Sent: 08 May 2024 11:51
To: 'Louisa Scott' [redacted]
Cc: [redacted]
Subject: RE: Affleck Street - Block 48 - 70 - Safety and Security Concerns

Good Morning Louisa,

Thank you for your e-mail below, and I appreciate your concerns regarding the development and the issue which occurred at number 60.

Realm Fire & Security are to attend to reset the smoke ventilation system – our apologies as I believe this has not been completed yet. I am expecting them to attend either this afternoon or tomorrow morning.

With regards to the usage of properties for short term lets or via Airbnb, we appreciate that dependent upon the nature of the people who are staying in properties this can cause concern over behaviour and how the common areas are treated. We do not ultimately hold any authority over usage of any

property owners' private property. Whether this type of usage is allowable is determined by the title deeds for the property, and it is each property owners' responsibility to ensure adherence to their deeds. As factor, we are appointed to arrange maintenance for the communal areas, and to ensure that any costs associated with the common areas are shared between the property owners in accordance with the deeds, including following up with any non-payers etc. We do not hold any authority with which to enforce the deeds – if any property owner is acting out with the terms of their deeds, it would be open to other owners to seek advice from a solicitor in order to potentially undertake a civil action against them. Generally as factor we would not become involved in this, as both the claimant and defendant would be considered our clients at the development which creates a conflict of interest.

This having been said, we can appreciate that there are concerns in particular over security and behaviour of people residing in the building, whether short term or otherwise, and we will assist with these as far as we can. A further letter is to be issued shortly advising that if the owner of any key safes placed outside buildings or bike stores does not make contact with us by a set date (towards end of this month) we will arrange their removal as these are installed in communal areas, to the best of our knowledge without permission from other property owners.

We will also advise of concerns raised over behaviour within the buildings, and will mention that in some cases these appear to be short term occupants of properties within. If you are happy for me to do so I will mention some of the items in your e-mail below as examples, although these will be loosely based around the information you provided and will not provide any information which might identify you or your property. This would for example state:

"We have received reports of

- entrance doors being propped open, and when closed by residents being reopened
- shouting and loud noise causing disturbance for other occupiers, in some cases continuing into early hours of the morning
- apparent smoking in properties, and in communal areas, causing smell of smoke throughout building
- rubbish being left in common areas and not properly disposed of, attracting pests to the building
- attempts to access properties in the building"

The letter will then include a request for any owner/occupier to be mindful of their neighbours, any landlord to pass the message on to their tenants and ensure they do likewise, and in particular any owner who has short term occupiers in their property to ensure this message is passed on to them as it is the owners' responsibility to ensure the occupier of their property adheres to the title deeds and does not cause disturbance for neighbouring proprietors.

If you are happy to confirm whether the above is suitable for inclusion in a letter this would be appreciated – I do not believe there would be any issue, however I appreciate that in some cases this can cause concern over whether the person who has reported the matter might be identified and any dispute might arise with neighbours as a result, hence I prefer to confirm agreement in the first instance.

Should issues continue to be experienced, while we do not have direct authority to take any enforcement action, you may wish to report issues to Police Scotland's non-emergency telephone line, 101, and to Aberdeen City Council's Community Safety Team - <https://www.aberdeencity.gov.uk/services/people-and-communities/antisocial-behaviour>. If further action is then required, they will be better placed to undertake this.

I have requested a quote from a joiner for repair to the car park door seal, with request for this to match the seals on doors at other blocks. I can certainly appreciate that it is frustrating when these issues occur, and I hope that issuing some further communication on this will aid in ensuring the owners of the properties in question take note.

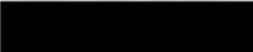
I appreciate your concerns and hope that communication issued shortly will assist with addressing these, and I look forward to your response regarding proposed wording using some of the items you have raised as examples.

Should you have any queries in the meantime, or if we can be of assistance in any other way, please do not hesitate to advise.

Kind Regards,


Property Manager

Newton Factor Aberdeen



Follow us on [LinkedIn](#)

newton.

From: Louisa Scott [REDACTED]
Sent: 02 May 2024 15:40
To: Newton Factor Aberdeen [REDACTED]
Cc: [REDACTED]
Subject: [EXTERNAL]: Affleck Street - Block 48 - 70 - Safety and Security Concerns

CAUTION: This email was sent from outside the company. DO NOT open any links or attachments unless you recognise the source, you are expecting the contents, and are certain the files are safe. Please remember, attachments/links from known sources can also be harmful
Good afternoon Newton team,

I am writing to you with some major safety issues in block 48-70 Affleck Street being caused by two apartments within the building which appear to be operating as short term lets.



On the same evening, there were people staying in number 60. These people were trying to open my front door on Friday night.

Unfortunately, the unlawful attempts to try and open my front door has been an ongoing issue with people staying in number [REDACTED] but now people staying in number 60 seem to be doing the same and it is happening up to 3 or 4 times a week! I have literal strangers trying to get into my home by slamming their body weight against my door and trying to put their keys into my front door lock. I cannot find any record of the owners of these properties but I wrote to someone called [REDACTED] who's email address is listed as the point of contact for number 60 on booking.com stating to her that any further attempts to open my door by her tenants will be met with me calling the police with the complaint of attempted breaking and entering. I asked her how she would be addressing the issue and I am yet to receive a response from her.

In the early hours of yesterday morning (01/05/24), the people in number 60 caused a fire in their flat. I was awoken at approximately 03:30 in the morning with some of my neighbours knocking my door to warn me of a fire in the building. The fire brigade were traipsing in and out

the building and setting up an industrial fan unit outside my front door to try and air out the building from the smoke produced from number 60. This woke up the entire building of residents and there were residents who were visibly shaken by seeing and smelling the smoke in the building and the presence of the fire brigade. The fire brigade advised that it was a negligent fire as the people involved had put food in the oven and fallen asleep (they hinted that they hadn't removed the food packaging before putting it in the oven and falling asleep). As far as I'm aware, the fire was contained to number 60, but the smell of smoke obviously travelled into other residents flats. Speaking with one of residents of [REDACTED] in the early hours of this morning, they advised that their flat was smelling horrendous as they are directly above the flat involved.

The letter that was sent last week regarding the communal areas needing to be free of prams, bikes etc was relevant and timely in nature as luckily there were no obstructions to the fire brigade responding and gaining access to the building.

There was also vandalism done to the carpark entrance door (directly outside my flat, [REDACTED] by the guests in number [REDACTED] a few months ago. The rubber seal around the door was ripped off and knife slash marks were made down the exterior of the door which was freshly painted last year I think. The owner of number [REDACTED] organised someone to put a new seal on the door, but unfortunately it is not the same type as before and now the door just slams wood on wood instead of on the rubber seal as before. I have purchased and fitted some foam tape to try and dull the slamming door but it is not proving to be effective. I would appreciate it if you could have the original type of door seal fitted to the carpark entrance door as my internal walls shake every time someone goes in and out which I shouldn't have to put up with.

As you can see from the above examples, there are ever mounting safety issues occurring from these two properties in this building. There are major security issues with our security doors being left open, insanely dangerous negligence regarding fire safety, and vandalism events where it looks like a knife was involved right outside my home. The remedial action taken by the owner on replacing the door seal has impacted on my peace at home by now having to deal with a constant slamming door and internal walls shaking due to incorrect repairs.

Yesterday morning was a scary situation knowing that people who don't live here are able to put the safety of actual residents at risk. Along with the safety aspect, we also shouldn't have to go to work sleep deprived due to the negligence of people. By the time the fire brigade left yesterday morning, it was after 04:30 which meant little point in trying to get some sleep before the 06:00 alarm.

I want to make it clear that these two properties are the only two flats that cause these issues. Myself and the other residents should not have to have complete strangers trying to open our doors, having sleepless nights due to noise, leaving security doors open, being at risk of fires caused by people who have no regard for the safety and security of residents here, and just leave their trail of destruction behind them when they leave.

My landlady is in copy to this email as I have raised my safety concerns with her as a matter of urgency and she has advised me to write to you. I have also raised the concern to her that the other property owners, including her, could end up being billed for damage and vandalism caused by these two flats in this building if Newton and property owners are not aware of these ongoing incidents.

The hydraulic fire windows in our building are now wide open and we require them to be shut. If there is any cost associated with this, or any other damage caused by this fire incident, I would suggest you place these costs with number 60. Regarding the replacement of the rubber

seal on the carpark entrance door with the correct type of seal, and possibly the repainting of the exterior of the door, these costs should be placed with number [REDACTED] as costs caused by negligence, damage and vandalism by two properties should not have to be covered by other property owners.

Kind regards,
Louisa Scott
[REDACTED] Affleck Street

Appendix C – Air Dnb Correspondence

We heard your concern about activity in your community

Airbnb <automated@airbnb.com>

Sun 26/05/2024 21:07

To [REDACTED]



We're looking into it now—here's what you can expect next.

Hi Louisa Scott,

Thanks for sharing your concern about potential home sharing activity in your community. We take these issues seriously, and we'll do our best to help resolve your concern.

Our team has officially processed your submission and has created a case number for you: [REDACTED]

Here's what we'll do next:

- We'll review the Airbnb listing URL you shared
- Our team will then get in touch with the host to voice your concern and, if needed, take further action.
- We'll follow up with you after additional investigation. If we need to, we'll reach out for more information.

As a reminder, here's the information we received from you that we'll be following up on:

Concern

Personal safety or criminal activity

Airbnb: Airbnb Customer Service

Airbnb Community Support [REDACTED]

Wed 29/05/2024 15:21

To: [REDACTED]



Airbnb Community Support

[REDACTED] **Wed, 29 May 2024 14:21:26 GMT**

Hi Louisa,

This is [REDACTED] from Airbnb. I hope this email finds you well.

Thank you for following up regarding this matter. We can see that you have opted to not share your contact information with the Host.

Airbnb is an online platform and does not own, operate, manage or control accommodations, nor do we verify private contract terms or arbitrate complaints from third parties.

We do, however, require Hosts to represent that they have all the rights to list their accommodations. As such, we take these types of complaints seriously and are committed to notifying Hosts when we receive them.

However, we regret to inform you that without being able to share your contact details with the Host, we will be unable to proceed further with communicating your complaint to the Host.

If you would like us to share your request and information with the Host, please reply to this email with a scanned copy of a letter that details your specific allegation or requests. It should include your contact information.

Listing URL

<https://www.airbnb.com/rooms/1086127547526588277>

Date of issue

2024-05-01

Message to host

Please cease and disist immediately from your illegal activity. I would suggest the people currently staying in your property are removed immediately seeing as they are currently illegally occupying your property without a license as indicated by the notice in the stairwell. It is illegal to run a short term let without a license, this has been forwarded to the council regarding your application for license to operate here.

Message to Airbnb

This property is operating without a short term lets license as required by Scottish law. This needs shut down immediately as it is illegal for this property to be listed on your website and air BnB can also be liable for advertising an illegal property.

Thanks again for sharing your concern with us,
The Airbnb Team

Airbnb Ireland UC, 8 Hanover Quay,
Dublin 2, Ireland

Re: 60 Affleck Street - Complaint

[Redacted]

Mon 06/05/2024 16:41

To: [Redacted]
Cc: [Redacted]

Hi Louisa,

Thank you for your email.

I really do appreciate your concerns and as mentioned we are taking them very seriously, and the tenants have now moved out.

The incident on Wednesday was an unfortunate accident, the tenants did not purposely start the fire, and we are all grateful nobody was harmed.

I apologise that someone attempted to access your property, I'm sure it wasn't on purpose and they just tried to open the wrong door, none the less we will ensure our tenants are given clear instructions around this.

Hopefully all will be well and there will be no need to contact any emergency services in the future.

Thanks again for raising your concerns, we will use this feedback and do our best to make improvements moving forward.

[Redacted]

Director
Blok Property Management

[Redacted]

 [blokpropertymanagement](#)



On Fri, 3 May 2024 at 21:07, Louisa Scott <[REDACTED]> wrote:

Whilst I appreciate your apology for the complaints I have made, the apology should have come from you or your tenants on Wednesday, not after two complaints from the residents within this building to you as the owner. I also notice by your email that the check on your own property still came before the concern of the residents who have a home here. There are a lot of very angry and scared residents in this building right now, and it is all directed squarely at your property and the people you choose to allow within it. As I have said in my previous email, you are now on notice, not only by me, but every other resident in this building.

The fire brigade may have indicated to you that it was just some 'burnt food', but the amount of smoke that was coming from your property indicated much worse. Not only was it seeping into neighbouring properties, it was coming out of the windows of your property and into the communal stairwells triggering the communal fire alarms and the opening of the fire windows (I have asked Newton to put the cost of closing the fire windows on your bill which I am sure you will accept without argument). I would say you should be thanking your lucky stars, and the neighbours who called 999 as they may well have saved your property, and other properties, from actual damage as not only did your tenants not call 999, they didn't even bother informing you. Industrial fans units were set up outside my front door at 03:30 on Wednesday morning to clear the building of the smoke. That's how bad this was. Again, I will reiterate the fact that that you are not impacted by this, we are. My home had at least 10 members of the fire brigade traipsing past my front door and setting up industrial fan units outside my front door to clear the building. Just a bit of 'burnt food'? I refer back to my previous email which was stated to me by the fire brigade in the early hours of Wednesday morning as to the actual cause of this incident. Gross negligence.

I notice that you have failed to respond on why your tenants are trying to gain access to my property and what assurances you will provide to stop this happening in the future. The people staying in your flat last Friday that were trying to force my door open in the evening were not the same individuals that tried to set fire to your flat on Wednesday morning. The previous attempts at unlawful entry to my property have been different people again. As I have had no satisfactory resolution to this part of my complaint, I stand by my previous emails regarding this issue and will be calling the police if any further attempts are made to unlawfully gain access to my property by your tenants. Thank you for providing your contact details as I can now contact you and provide these two phone numbers to the police if these incidents continue. This is very much appreciated.

Any further incidents caused by your property will be reported to the police.

Louisa

From: [REDACTED]
Sent: 02 May 2024 21:43
To: Louisa Scott <[REDACTED]>
Subject: Re: 60 Affleck Street - Complaint

Hi Louisa,

 **Louisa Scott**
to me ▾

Why is this message in spam? It is similar to messages that were identified as spam in the past.

[Report as not spam](#)


Director
Blak Property Management



 [blakpropertymanagement](#)



The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.

On Thu, 2 May 2024 at 20:47, Louisa Scott  wrote:

Hi 

I have received no response to my email complaint dated 26th April.

Due to your lack of response, I have contacted our property management company with the below complaint of your residents trying to gain access to my property unlawfully so that they are aware that I have tried to contact you and are aware of my complaint in full. I will be contacting the police and providing your details and your property details if it happens again so that you can maybe explain to them why your tenants are trying to break into my home regularly? I will be

Thank you very much for your email.

I am extremely sorry for not replying sooner, as you can see from the screenshot attached, both your emails went to my spam folder and it was only picked up by Lynne when you copied her into your second email, so please accept my apologies for not replying.

Please rest assured that we are taking this complaint extremely seriously, because the last thing we want is for anyone to feel unsafe in their own home.

It was also brought to our attention from another neighbour that the fire brigade was called early hours of the morning.

After speaking to the fire department, they advised it was burnt food, and confirmed, thankfully, there was no fire or flames, and it was an unfortunate incident, however, I completely understand the upset, worry and frustration around this distressing situation.

Upon inspecting the property, there are no signs of damage, and this can be confirmed by the fire department.

We have now asked the tenants to leave and they will be gone by tomorrow morning.

Thank you again for bringing these incidents to our attention, because if we don't know about them, we aren't able to investigate and resolve them, therefore, we greatly appreciate you taking the time to contact us.

If you need us at any time you can contact me on [REDACTED]

Please accept our apologies once again for the terrible upset these incidents have caused you and the other neighbours, it was most certainly not our intention.

I am absolutely gutted this has happened because we would never knowingly invite anyone into the apartment block who behaves in such a manner.

I'm so so sorry, I wish I could turn back the clock.

If there's anything else I can do please let me know.

Thanks again,
[REDACTED]

providing them with my ignored complaint to you, and my complaint to Newton Property as evidence of my attempts to have you resolve this.

However, I have now also had to add fire safety concerns to my complaint. The following incident has been reported to the property management company and I have let them know that any costs involved in the incident should be placed with you.

The fire brigade were called by one of my neighbours on Wednesday morning at approximately 3am as the residents of your flat put a fully packaged meal in the oven to cook, and then went to bed. By a fully packaged meal, the fire brigade indicated that this included the cardboard and plastic packaging. This is gross negligence and dangerously unsafe. All residents were woken by the fire brigade, the building was full of smoke, and residents were visibly shaken and upset by the incident when they made their way to the garden. Your tenants were nowhere to be seen. It appears it wasn't even your tenants that called 999, it was a neighbour whos flat starting filling with the smoke produced by the fire in your property! Why did your tenants not call 999?! The fire brigade said they could smell the fire from Wellington Place when they showed up. As the property owner, it is your duty to ensure that the tenants you place in your property are fully functioning adults and fully reference checked so that you can ensure that they will not put others at risk. This is just pure and utter gross negligence. This was a scary incident for all residents and a night of zero sleep for us on a working day. You are not being negatively impacted by any of this, but we just want to feel safe in our own homes, and you are now the cause that we cannot do that.

Let me make it clear to you AGAIN. I do not feel safe in my own home! Random strangers trying to get in my door then setting fire to the flat just two floors above me, would you feel safe if you were in my position?

I would suggest you act quickly in resolving the issues we've been having with your tenants before someone is robbed, seriously injured or killed.

This is the second email I have had to write to you so you are on notice at this point.

Any further incidents will be reported to the police along with copies of these emails to demonstrate my attempts in contacting you.

I look forward to hearing your response to this regarding what solutions you will be putting in place and the assurances your will be providing to ensure the residents of this building are safe from you and your tenants.

Louisa

From: Louisa Scott [REDACTED]
Sent: 26 April 2024 20:59
To: [REDACTED]
Subject: 60 Affleck Street - Complaint

Hi [REDACTED]

I live at [REDACTED] Affleck Street and I have deduced from some research that you are the new property owner of number 60 Affleck Street.

I am writing to you with a formal complaint of your tenants trying to gain unlawful access to my property. This has happened on multiple occasions over the past couple of months, up to and including 20 minutes ago when they tried to get in my front door once again. I confronted them on why they tried my door and they claimed they were lost. If they live here and are that lost that they try gaining access to someone else's door, I would suggest that you do further reference checks on these people. I do not feel safe with your tenants upstairs from me at this point. I would strongly suggest that you advise your tenants that any further attempted access to my flat will be reported to the police on the basis of harassment and I will be proceeding further with this if necessary. I am fed up of random strangers trying to force my door in. I should not have to live in fear of my neighbours attempting to break into my property. I would like for you to resolve this and look forward to your response on how you will address this issue.

Louisa

Appendix E – Aberdeen City Council Correspondence

RE: Short term lets - complaints of illegal operation and personal safety issues

ShortTermLets <ShortTermLets@aberdeencity.gov.uk>

Fri 31/05/2024 16:09

To: Louisa Scott [REDACTED]

Good afternoon

Thank you for your email.

It recently came to light that we were not receiving any automated notifications when an unlicensed Short Term Let is reported via the Council's online portal. This has been reported the website administrators for their action.

With regard to a property, if it was being operated as a Short Term Let prior to 1 October 2022, operators had until 1 October 2023 to apply for a Short Term Let licence. As an existing operator, the legislation states that they could continue to operate until their application was determined.

Anyone who applied after 1 October 2023 or was not operating before 1 October 2022, is classed as a new operator and cannot legally operate the property as a Short Term Let until a licence application has been submitted and the licence granted.

For your information, the Civic Government Scotland Act 1982 (Licensing of Short Term Lets) Order 2022 falls under the enforcement powers of Police Scotland.

When you forward your objection to us for 60 Affleck Street, you can include details of anti-social behaviour that you have experienced along with any contact that you have made with Police Scotland and the Community Safety Team. You can also include, for the Committee's attention, information which shows that the property has been used as a Short Term Let prior to a licence being granted.

The Short Term Lets Licence Team do not have the delegated powers to refuse a licence due to a breach in the law. Any application which receives an objection, whether this is from Police Scotland, or a member of the public will be heard by the Licensing Committee, who will determine if the application can be granted or refused.

Kind regards

Rachel



Short Term Lets | Private Sector Housing Unit

Aberdeen City Council | Families & Communities | Marischal College
Business Hub 11 | Second Floor West | Broad Street | Aberdeen | AB10 1AB

Direct Dial: 01224 522299

www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC

From: Louisa Scott [REDACTED]

Sent: Friday, May 31, 2024 2:46 PM

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

Subject: Re: Short term lets - complaints of illegal operation and personal safety issues

□

Good afternoon Rachel,

Thank you for your response. I reported the complaints through the correct channels on the council website so I am unsure how these were not received by your team?

Whilst I appreciate that a license has now been applied for by Number 60, they have been operating the property as a short term let since at least March based on the booking.com review available (attached again). I have recently set up a ring doorbell on my door due to the personal safety issues arising from this property and by police recommendation due to the activities I have already reported to them, and coincidentally, the cleaning crew for the property have just come in to the building and said 'Hello' to my doorbell within the past half hour. I have attached this footage along with the footage of their previous guests leaving this morning. Although they have applied for a license, I think you will agree that they are currently operating it without one in breach of Civic Government Scotland Act 1982 (Licensing of Short Term Lets) Order 2022.

My understanding based on the council website statement 'From 1 October 2022, any new hosts/operators cannot operate a short term let before their licence application has been determined.' Is the attached and included information within this email something that you can log against this application separate to my objection or should I include all of this information within my objection as proof of clear breach of the laws regarding this?

The other two properties were existing operators and your website states 'The Scottish Government extended the deadline for existing hosts and operators to apply for a licence from 1 April 2023 to 1 October 2023.' This has clearly not been adhered to by either of these properties, and again, they are in breach of the laws regarding short term let operation.

Could you let me know whether evidence of use of short terms lets prior to a license being obtained is an immediate denial of a license application?

Many thanks,
Louisa

From: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>
Sent: 31 May 2024 12:25
To: Louisa Scott <[REDACTED]>
Subject: RE: Short term lets - complaints of illegal operation and personal safety issues

Good afternoon

Thank you for your email and please accept our apologies in the delay in responding to you, this was due to our Team not being notified that you had submitted reports of potentially unlicensed Short Term Lets.

I can confirm that a Short Term Let Licence application has been submitted for 60 Affleck Street, Aberdeen, however, please note that at this time, the application has not been determined. It is a legal requirement that a Notice of Application is displayed at or near the property to inform the public that an application has been submitted. This Notice must be displayed for 21 days. Should you wish to do so, you can submit an objection to the Licence application. Objections should be received within 28 days of the Notice being displayed.

For information, objections must:

- a) be in writing,
- b) set out the name and address of the person making it,
- c) be signed by that person or on their behalf (for confirmation, a typed signature at the bottom of your objection is acceptable if your objection is sent by email)
- d) be submitted to the Private Sector Housing Unit, Early Intervention & Community Empowerment, Business Hub 11, Second Floor West, Marischal College, Broad Street, Aberdeen, AB10 1AB, or by email to ShortTermLets@aberdeencity.gov.uk no later than 28 days from the date on which the application was made.

A copy of your objection will be given to the applicant and to the Council's Licensing Committee and will form part of the public agenda for the committee meeting. As part of the committee process, your objection will be attached and published with an information note which is available online to the public. Your personal details, such as your name, address and email will be redacted from the online information note.

With regard to your report of numbers 34 and 64 Affleck Street operating without a licence, I can confirm that we will investigate these properties and contact the owners/operators to advise them of the requirement to hold a licence in order to legally operate.

If applications are not received, and our enforcement process has been exhausted, the details for the operator/owner will be passed on to Police Scotland as the enforcing body and at this point, we won't be able to provide any further update on the status going forward.

You can check the public register of Short Term Lets within Aberdeen City by clicking [here](#). The register lists pending application and applications which have been determined. Further information is available on our [Short Term Lets webpage](#).

Should you have any questions relating to Short Term Lets, please contact us and once again please accept our apologies for the late response.

Kind regards

Rachel



Short Term Lets | Private Sector Housing Unit

Aberdeen City Council | Families & Communities | Marischal College

Business Hub 11 | Second Floor West | Broad Street | Aberdeen | AB10 1AB

Direct Dial: 01224 522299

www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC

From: Louisa Scott <[REDACTED]>
Sent: Thursday, May 30, 2024 9:14 PM
To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>; CST <CST@aberdeencity.gov.uk>
Subject: Short term lets - complaints of illegal operation and personal safety issues

Good evening Short Term Lets Team and Community Safety Team,

I am writing to formally follow up on my complaints of illegal short term lets as per reference numbers HSTLC610928542 and HSTLC610924085 as I have received no response since these complaints were made on 1st May.

I have included the community safety team within this email as my safety is being severely compromised due to these illegal properties as referenced within the documents provided in the attached.

I made these complaints of illegal short term lets operating within my building on 1st May and 4 weeks later I am yet to see a response. Whilst I have been waiting, a license application for number 60 Affleck Street has appeared in the stairwell. It amazes me how a complaint of illegal activity is not answered in over 4 weeks but whilst a response is being waited for, a property that is being operated illegally can successfully put a license application in and have the application for a license approved.

I would like an immediate response on my complaint references with the reference numbers mentioned above as to what has been done to investigate these properties. I have attached everything I possibly can in regards to these properties operating without a license as short term lets (kindly doing your job for you), I would ask that I receive a response to these genuine complaints within a timely manner.

Since I lodged my initial complaints of property numbers 60 and 64, I have actually found another one in our complex, number 34.

Please see attached documentation of my investigation into these properties thus far. This includes screenshots of the properties being listed as short term lets online, the reviews for these properties and when the reviews are from, the availability to book these properties, my communication with the property management company of number 60 (not listed on their license application as the managing agent but listed on their online listings?), my communication with the building management company, my communication with Air bnb. I have done everything I possibly can to get the attention of the relevant parties here, but to no avail. I have resorted to phoning the police 999 and 101 numbers. I have two police reference numbers available and this list of reference numbers will continue to grow the longer you take to respond to this. I would suggest you look through everything I have provided to you and provide me with a response asap.

I will be lodging a formal objection to license number HSTLC14865013 as this related to one of my complaints of illegal activity dating back to 1st May, 2 weeks before this license application was approved by the council. I would suggest you take these issues seriously as I now have two police reference numbers relating to these properties and the police have advised me to continue calling them with the ongoing issues with these properties.

If you would like to contact me further regarding these issues, the documents I have provided, or anything else relating to this matter, please contact me on the details below.

Louisa Scott
[REDACTED]

RE: Short term lets - complaints of illegal operation and personal safety issues

CST <CST@aberdeencity.gov.uk>

Thu 30/05/2024 23:00

To: Louisa Scott

Good evening Louisa,

Thank you for emailing the Community Safety Team with your detailed email and attachments and for stating your concerns regarding the issues.

Regarding your request for a response to your complaints, the Community Safety Team do not deal with formal complaints, and any such complaints and queries should be addressed to Customer Feedback, <https://www.aberdeencity.gov.uk/services/have-your-say/make-complaint>.

Your queries regarding the private letting arrangements of the properties will be responded to separately by the Short Term Lets Team.

We have read through your email and attachments, and we believe we have identified the issues which appear to be mainly centred around the residents of the subject properties and include harassment, screaming, shouting, loud noises, doors being left unsecured, blocked communal areas, cigarette smoke smells within the building, rubbish left in garden, breaking and entering, and vandalism.

With regards to harassment, breaking and entering, and vandalism, as these may involve potential criminality, these should always be reported to Police Scotland in the first instance. Generally, if you witness or experience anything which involves threats, intimidation, harassment, or violence, or anything which causes you fear or alarm, then please call Police Scotland via 101 or 999 as appropriate.

The issues of the unsecured doors, blocked communal areas, and cigarette smoke smells should be attended to by the owners of the properties, or via the landlords by ensuring their tenants adhere to the terms of their tenancy agreements.

For issues of noise, please find the details of the Community Safety Team as follows. The Community Safety Team operate from 0900-2300 Monday-Thursday and 0900-0200 Friday-Sunday. If you are experiencing an ongoing noise disturbance, then please call us on our freephone telephone number 0800 0510 434 and an Officer will dispense advice, as necessary. We also offer a callout and attendance service to witness noise disruption, so if there are two Officers available, they may offer to attend at your property and witness the disturbances for themselves, from within your property, taking any appropriate action where necessary. We take our last calls approximately one hour before we finish, CST can also be contacted via email at CST@aberdeencity.gov.uk however the email inbox is not constantly monitored so we always advise to call first. If there are no Officers available, please leave a voicemail, and they will return your call or reply to your email when next available. After 19:00 each evening our calls are redirected to the Aberdeen City Council Regional Communication Centre, where an operator will record your details and forward the information to us, and we will respond as soon as practicable afterwards. Outwith our hours of operation, please contact Police Scotland.

In the meantime, we have recorded this on our database.

Kind regards,

Ronald Sim



Ronald Sim | Community Safety Officer |
Community Safety Team |
Aberdeen City Council | Governance |
Lower Ground North | Marischal College | Broad Street |
Aberdeen | AB10 1AB

Direct Dial 0800 0510 434 |
cst@aberdeencity.gov.uk |
www.aberdeencity.gov.uk | X: @AberdeenCC |
Facebook.com/AberdeenCC

From: Louisa Scott [REDACTED]
Sent: Thursday, May 30, 2024 9:14 PM
To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>; CST <CST@aberdeencity.gov.uk>
Subject: Short term lets - complaints of illegal operation and personal safety issues

Good evening Short Term Lets Team and Community Safety Team,

I am writing to formally follow up on my complaints of illegal short term lets as per reference numbers HSTLC610928542 and HSTLC610924085 as I have received no response since these complaints were made on 1st May.

I have included the community safety team within this email as my safety is being severely compromised due to these illegal properties as referenced within the documents provided in the attached.

I made these complaints of illegal short term lets operating within my building on 1st May and 4 weeks later I am yet to see a response. Whilst I have been waiting, a license application for number 60 Affleck Street has appeared in the stairwell. It amazes me how a complaint of illegal activity is not answered in over 4 weeks but whilst a response is being waited for, a property that is being operated illegally can successfully put a license application in and have the application for a license approved.

I would like an immediate response on my complaint references with the reference numbers mentioned above as to what has been done to investigate these properties. I have attached everything I possibly can in regards to these properties operating without a license as short term lets (kindly doing your job for you), I would ask that I receive a response to these genuine complaints within a timely manner.

Since I lodged my initial complaints of property numbers 60 and [REDACTED] I have actually found another one in our complex, number [REDACTED]

Please see attached documentation of my investigation into these properties thus far. This includes screenshots of the properties being listed as short term lets online, the reviews for these properties and

when the reviews are from, the availability to book these properties, my communication with the property management company of number 60 (not listed on their license application as the managing agent but listed on their online listings?), my communication with the building management company, my communication with Air bnb. I have done everything I possibly can to get the attention of the relevant parties here, but to no avail. I have resorted to phoning the police 999 and 101 numbers. I have two police reference numbers available and this list of reference numbers will continue to grow the longer you take to respond to this. I would suggest you look through everything I have provided to you and provide me with a response asap.

I will be lodging a formal objection to license number HSTL614865013 as this related to one of my complaints of illegal activity dating back to 1st May, 2 weeks before this license application was approved by the council. I would suggest you take these issues seriously as I now have two police reference numbers relating to these properties and the police have advised me to continue calling them with the ongoing issues with these properties.

If you would like to contact me further regarding these issues, the documents I have provided, or anything else relating to this matter, please contact me on the details below.

Louisa Scott
[REDACTED]

Private Sector Housing
Short Term Lets Team
Business Hub 11
Second Floor West
Marischal College
Broad Street
Aberdeen
AB10 1AB

Louisa Scott
[REDACTED] ffleck Street
Aberdeen
AB11 6JH

Supplement to Letter of Objection Dated 3rd July 2024

Short Term Lets Licence Application Reference HSTL614865013. Pending Licence number 4C65013N.

I am writing this supplement as an addition to my objection to licence application reference HSTL614865013 on the basis that there has been a change in circumstances since my objection letter was submitted on 3rd July 2024. It stated within my objection that the property stopped operating on 7th June 2024, I should have clarified that this was the last evening of guests staying in their property, they checked out on 8th June 2024. This information was true on the date of my objection letter. The objection period for this licence application closed on 4th July 2024, and 6 days after the objection period ended, on 10th July 2024, this property welcomed their next set of guests to the property. As of today's date (12th July), these guests are still residing in the property.

The applicant and his enlisted property management company (Blok Property Management Ltd) have waited for the objection period to finish and then immediately started re-operating. It appears that they only stopped operating on 7th / 8th June 2024 to potentially reduce any chance of objections to this property during the 28 day objection period. This is not only criminal, but just demonstrates further that this applicant is not a fit or proper person to be operating a short term let with such little regard for the law. Blok Property Management Ltd are clearly involved here and are also not fit to be operating short term lets if they break the law this easily and willingly. If they have this little regard for the law, then they will have no regard for the safety and security of the residents of the building. The deceptiveness of the actions they have taken here towards the council and the residents by behaving in this way is shocking. All parties are following due process in relation to the licence application apart from the Applicant and Blok Property Management Ltd.

I have contacted Police Scotland again regarding this property illegally operating as a short term let after the objection period has ended at the advice of the Short Term Lets team at Aberdeen City Council who are apparently unable to report this to police Scotland. My previous police references relating to this property can be found

in my original objection document. The continued operation less than a week after the objection period closed is, quite frankly, outrageous behaviour. The reason I have now reported this to the police again is that as the council is unable to do anything in regards to illegal operation under these circumstances.

Kind regards,

Louisa Scott

'F'

Hi, I hope this finds you well,

I have done this correctly I have tried to reply to some of these concerns that have been brought up again most of them not even relevant to the matter, but I have taken the time to respond to everyone's concern please see the below replies from each person.

Thanks
Milton Zata

Objection Dated 3rd July 2024 By Louisa Scott

My reply:

Response to Objections Regarding 60 Affleck Street, Aberdeen

Dear [Licensing Committee/Relevant Authority],

I appreciate the opportunity to address the objections raised concerning the licensing application for 60 Affleck Street. After reviewing the detailed objections, I would like to clarify and respond to the points raised, and highlight that some concerns may not be directly relevant to the licensing decision.

1. Licensing and Application Details

- **Management and Licensing:** The property is managed by Blok Property Management Ltd, and we are committed to complying with all licensing requirements. The discrepancy in the application address is administrative and will be corrected to reflect Blok Property Management Ltd's local operations accurately.
- **Notice Posting Issues:** The notice was mistakenly placed initially but has since been relocated to comply with council guidelines. We will ensure all future notices are properly displayed.

2. Previous Complaints

- **Council Complaints:** The complaints submitted to Aberdeen City Council regarding the property's licensing status have been noted. The application for a license was submitted as per legal requirements, and we are addressing any gaps identified.
- **Police Complaints:** The involvement of Police Scotland in response to complaints about the property has been noted. We understand the inconvenience and are working to ensure that any issues are managed effectively and in compliance with the law.

3. Building Management and Safety Complaints

- **Building Management Issues:** Complaints to Newton Property Management Ltd regarding safety and vandalism have been addressed. The keyboxes were initially removed as directed. However, we were informed by the factor that we could reinstall them if desired, provided that all relevant permissions and regulations are followed. We will ensure that any future installations are compliant with all guidelines and regulations.
- **Fire Safety:** The fire incident on May 1, 2024, was addressed according to protocol. We are reviewing fire safety measures and emergency procedures to prevent future issues.

4. Short-Term Let Hosting Websites

- **Website Complaints:** We acknowledge the challenges in reporting issues across multiple booking platforms. We are working to ensure that all

operations are compliant with licensing requirements and are collaborating with these platforms to resolve any unauthorized use.

5. Relevance of Certain Issues

While the objections raised are important, some points may not directly impact the licensing decision:

- **Home Security Concerns:** While personal safety is paramount, the issues with home security and attempts to gain access to individual homes are not directly related to the licensing of the short-term let. These concerns should be addressed through appropriate security measures and local law enforcement rather than the licensing process.
- **Public Liability Insurance and Waste Management:** The property is covered by public liability insurance as required by law. Waste management issues, if they pertain to compliance with commercial regulations, are being addressed to ensure proper handling.
- **Disturbance Reporting:** While disturbances are a valid concern, the management of such issues falls under property management and local enforcement rather than the licensing of the short-term let itself.

6. Conclusion

In summary, while we acknowledge and are addressing the concerns raised, it is important to focus on issues directly relevant to the licensing process. We are committed to ensuring full compliance with all legal requirements and addressing any operational gaps.

Thank you for considering this response. We look forward to working with the committee to resolve any outstanding issues and move forward with the licensing application.

Letter 2

Dear Louisa Scott

My reply below:

Thank you for your letter and for bringing this matter to my attention.

I would like to clarify that since the date of 10th July 2024, no guests have been staying at the property. Instead, I have had family and friends staying with me. These individuals are not paying guests but personal acquaintances.

I assure you that there has been no resumption of short-term let operations during or after the objection period. I remain committed to adhering to all legal and regulatory requirements during this process.

If you require any further information or clarification, please do not hesitate to contact me.

Also, I do feel like she could have got in contact with me directly to ask such a question and we could've resolved the matter there and then, I do not intend to operate without having been granted a license as I learned more about the licence and what was required I started to take the necessary steps.

Letter from
Jenni Colvin & Kofi Nyadu
Owners of ■ Affleck Street, Aberdeen, AB11 6JH

My reply.

Dear Jenni,

Thank you for your letter and for taking the time to express your concerns regarding the property at 60 Affleck Street, Aberdeen. I'd like to address the points raised and clarify a few matters.

Firstly, we have a management company based in Aberdeen that is responsible for looking after all our guests and ensuring the smooth operation of the property. This ensures that any issues that arise can be handled locally and promptly.

In terms of waste management, we have a system in place where our cleaners take care of all waste disposal. This means our guests are not required to handle waste themselves, which should mitigate any issues related to rubbish being left in communal areas.

We also provide clear instructions to all our guests regarding how to access the flat and collect the keys, so there should be no confusion that would lead to guests mistakenly trying to enter neighboring properties.

With regard to noise or anti-social behavior, the vast majority of our guests are professionals who respect the property and the building's residents. I believe the instances of disturbances may be unrelated to our guests, though we are being blamed for it.

Regarding the fire alarm incident on 1 May 2024, I acknowledge that the situation was unfortunate. However, this is something that could happen in any property. I want to assure you that we handled the matter professionally and appropriately, working with emergency services to ensure the safety of everyone in the building.

As for the mention of the property being operated without a licence previously, I'm unsure where this information is coming from, as to the best of my knowledge, we were not involved in any such issue. We would need further proof to address this allegation properly.

I hope this clears up any misunderstandings, and please feel free to reach out if you require further clarification.

Kind regards,

From Andrew Lamb, ■ affleck street, Ab116jh.
Noise, mess and been doing this for a long time

My reply:

We have taken this in to account and an insure this is not us and you will not recive any issues from us

Letter from D Carey

My reply:

I am writing in response to the concerns raised regarding my application for a short-term let license. I would like to address the issues outlined and provide clarification on several points.

1. Contradiction with Title Deeds:
 - While it is noted that the title deeds mandate that the property be used solely as a private residential dwelling, the short-term let application aligns with current regulations and has been reviewed in accordance with legal requirements. The intention is to ensure compliance with all applicable rules while maintaining the property's residential nature.
2. Unlicensed Operation:
 - I acknowledge the concern regarding the property being advertised prior to obtaining the license. However, please be assured that all necessary steps have been taken to rectify this situation, and the application is now fully in progress. I am committed to adhering to the licensing laws and ensuring that the property operates within the legal framework.
3. Inadequate Facilities:
 - The issue of using communal areas for waste management is noted. It is important to clarify that key lock boxes have been removed, and the Factor has confirmed that their reinstatement is permissible if desired. Efforts are being made to address any waste management concerns in compliance with local regulations.
4. Inaccurate and Misleading Application:
 - The application may not have initially included all details regarding Blok Property Management. However, I assure you that the management company is actively involved in overseeing the property. I will ensure that all relevant information is accurately reflected in the application to avoid any misunderstandings.
5. Safety, Noise, and Nuisance Concerns:
 - I would like to clarify that there was no fire at the property. Any reported incidents were due to other issues, and I am working to address them. The property management and I are committed to resolving any concerns related to noise, refuse disposal, and parking spaces.
6. Suitability of the Applicant:
 - I am confident that I am a fit and proper person to hold the license. I take these concerns seriously and am actively working to address them. I assure you that I am fully committed to complying with all regulations and maintaining the highest standards of management.

In summary, while some concerns raised may not be directly relevant to the licensing application, I am taking all necessary steps to address any issues and ensure compliance with regulations. I appreciate your attention to these matters and am available to provide further clarification if needed.

LICENSING COMMITTEE INFORMATION SHEET

09 OCTOBER 2024

TYPE OF APPLICATION: Application for the Grant of a Street Trader Licence

LICENCE HOLDER: Emma Williamson

Location: Golf Road East Side, 114m South from Pittodrie Street in Car Park

DESCRIPTION

- Application submitted 16/07/2024
- Determination Date 15/04/2025

Ms Williamson has submitted an application for the grant of a Street Trader Licence to sell hot food, as well as hot and cold drinks. The Committee has before it an email from the Estate Team, dated 5 August 2024, outlining their objections to the licence being granted. Their concerns are based on the fact that the land in question is reserved for strategic purposes, and the Council has no current plans to lease the space or permit street traders within the area at this time.

CONSULTEES

- Environmental Health
- Roads
- Police Scotland

OBJECTIONS/REPRESENTATIONS

Estate Team

COMMITTEE GUIDELINES/POLICY

N/A

GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

and otherwise shall grant the application.

Good afternoon

The area of land in question is being held for strategic purposes, and the Council are not looking to lease any space or have street traders within this parcel of land at this time.

Kind regards

Alana

Please note that I will be on annual leave on Tuesday 6th August, and will not return to the office until Monday 12th August.

Alana Morrison | Technical Clerical Officer

Aberdeen City Council | Estates Team | Corporate Landlord | Resources

Marischal College | Second Floor South | Broad Street | Aberdeen | AB10 1AB

www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC

This page is intentionally left blank

LICENSING COMMITTEE INFORMATION SHEET

9 OCTOBER 2024

TYPE OF APPLICATION: PUBLIC ENTERTAINMENT LICENCE

APPLICANT: Kincorth Community Centre

INFORMATION NOTE

Application must be determined by 15/11/2024

DESCRIPTION

Public Entertainment Licence

CONSULTEES

- Police Scotland
- Building Standards
- Environmental Health
- Scottish Fire and Rescue Service

OBJECTIONS/REPRESENTATIONS

- Building Standards

GROUNDINGS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

and otherwise shall grant the application.

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank