

Public Document Pack



To: Councillor Al-Samarai, Convener; and Councillors Clark and Fairfull.

Town House,
ABERDEEN 18 January 2024

LICENSING SUB COMMITTEE

The Members of the **LICENSING SUB COMMITTEE** are requested to meet in **Committee Room 2 - Town House on FRIDAY, 26 JANUARY 2024 at 10.00am**. This is a hybrid meeting and Members may also attend remotely.

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

JENNI LAWSON
INTERIM CHIEF OFFICER – GOVERNANCE (LEGAL)

B U S I N E S S

- 1.1. Determination of Urgent Business
- 2.1. Determination of Exempt Business
- 3.1. Declarations of Interest and Transparency Statements

APPLICATIONS

- 4.1. Short Term Let (Existing Operator) - 33 Queens Highlands (Pages 3 - 14)
- 4.2. Short Term Let (Existing Operator) - 34 Queens Highlands (Pages 15 - 26)
- 4.3. Short Term Let (Existing Operator) - 7 Jute Street (Pages 27 - 38)
- 4.4. Short Term Let (Existing Operator) - 40 Beechgrove Gardens (Pages 39 - 62)
- 4.5. Public Entertainment Licence - Hilton Community Centre (Pages 63 - 64)

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

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

Website Address: aberdeencity.gov.uk

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

LICENSING COMMITTEE INFORMATION SHEET

26 January 2024

Public Application

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

APPLICANT: KIRK HARRISON

PROPERTY MANAGER: RJH ACCOMMODATION

ADDRESS: 33 QUEENS HIGHLANDS, ABERDEEN

INFORMATION NOTE

- Application Submitted 31/07/2023
- Determination Date 30/07/2024

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

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

DESCRIPTION

The property at 33 Queens Highlands, Aberdeen, is the subject of this new Short Term Let licence application and its accommodation comprises 2 bedrooms, open plan kitchen/lounge, bedroom ensuite and bathroom. The applicant wishes to accommodate a maximum of 4 guests, which is acceptable in terms of space and layout. The location of the premises is shown on the plan attached as Appendix A.

CONSULTEES

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

REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- Aberdeen City Council's Planning Team – no objections

- One objection email from Vanessa & Graeme Smith (Attached as Appendix B)
- Representation from RJH Accommodation (Attached as Appendix C)

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

COMMITTEE GUIDELINES/POLICY

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

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

GROUNDINGS FOR REFUSAL

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

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

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

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

- (i)for the time being disqualified under section 7(6) of this Act, or
- (ii)not a fit and proper person to be the holder of the licence;

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

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

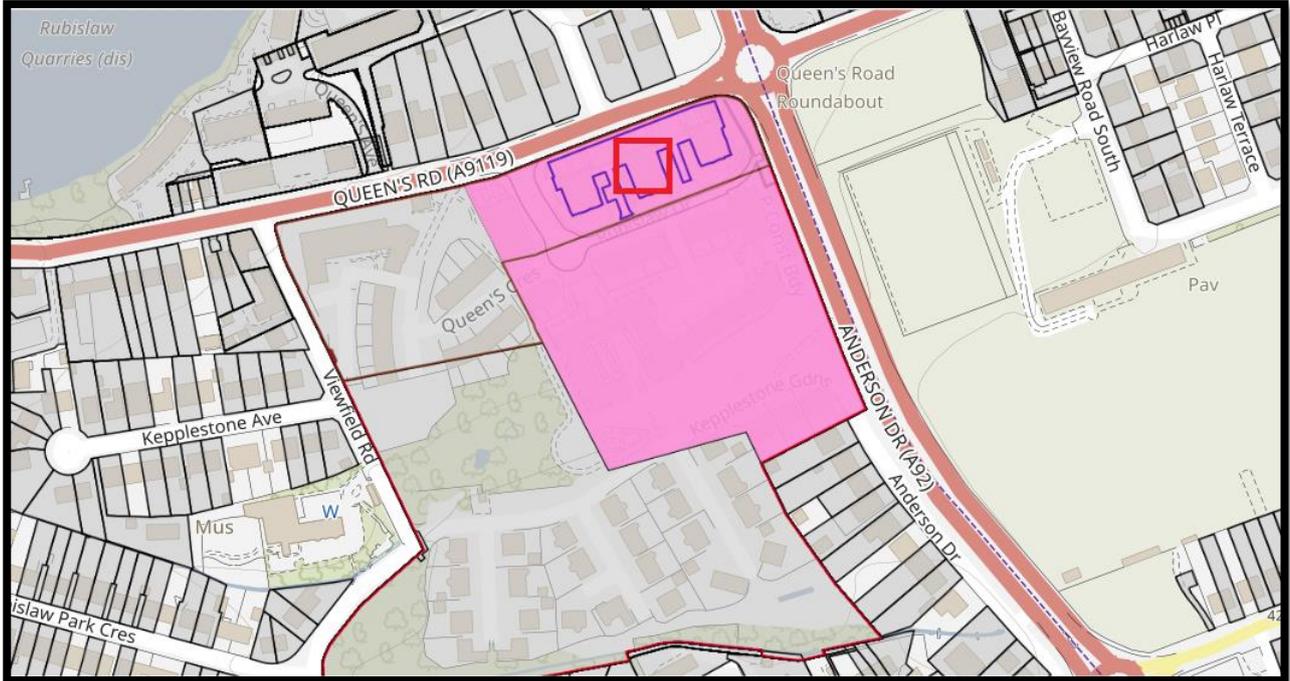
- (i)the location, character or condition of the premises or the character or condition of the vehicle or vessel;
- (ii)the nature and extent of the proposed activity;
- (iii)the kind of persons likely to be in the premises, vehicle or vessel;
- (iv)the possibility of undue public nuisance; or
- (v)public order or public safety; or

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

OTHER CONSIDERATIONS

- Landlord Registration is not a requirement of Short Term Let licensing.
- All certification required by the Private Sector Housing Officer, has not been completed.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints in respect of 33 Queens Highlands, Aberdeen.
- There are no Granted Short Term Let licenses at Queens Highlands.
- The property is currently unlicensed. However as the applicant was an existing operator before 01 October 2022, the property is currently operating as a Short Term Let until the Licence application is determined.
- Information within the Deed of Conditions is not a ground for refusing a Short Term Let licence within the legislation. Licensing cannot be used to enforce other legal issues and that would have to be enforced via other means.

'A'



'B'

From: Vanessa Anne Smith [REDACTED]
Sent: Tuesday, August 15, 2023 6:16 PM
To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>
Subject: Short term let application

Hello,

I'm writing to object to a short term let application for 33/34 Queen's Highlands AB154AR.

We object based on the frequent movement and turn over of tenants in the area. Increased car parking and misuse of short term tenants parking in owner occupier spaces. Additionally, short term let's bring frequent visits from cleaning companies utilising lifts and services covered by our factious costs.

The original title deeds do not include short term lets and running a business from these premises.

Many thanks for your consideration of our objection Vanessa and Graeme Smith

[REDACTED] Queens Highlands
[REDACTED]

Responses to email dated 15th August 2023 from Vanessa and Graeme Smith

It should be noted [REDACTED] Aberdeen, where the objectors live, is a different tower block from where 33 and 34 Queens Highlands, Aberdeen are situated. No-one who lives in the tower block where 33 and 34 Queens Highlands, Aberdeen are located have objected to the application.

1. Frequent movement and turnover of tenants in the area

33 and 34 Queens Highlands, Aberdeen are residential flats and a turnover of tenants does not impact any of the other residents in any way and no explanation is given as to how it does.

2. Increased car parking and misuse of short-term tenants parking in owner occupier spaces.

Using the properties for short term lets does not cause any increase in car parking use. There is, in fact, less use on the car parking facilities resulting from their use as short term lets so the opposite is the position. The occupancy levels are around 70% so 30% of the time the properties remain empty. Also 35% of the tenants select that they have no need for parking so most of the time the parking is not used.

33 Queens Highlands and 34 Queens Highlands each have their own private car parking space which any short term tenant will use. There are also many visitor spaces for use by anyone. No short term tenant has any need to park in another owner occupiers space and we are not aware of any complaint ever having been received about this in over 10 years.

3. Short term lets bring frequent visits from cleaning companies utilising lifts and services covered by our factions costs.

Again, these flats are empty for around 30% of the time ensuring less usage on the lift and other services than if these were long term tenants on a Private Residential Lease so the opposite is the position. Also, long term tenants tend to order goods from Amazon and other delivery companies and the strain on the infrastructure is far greater than a single or two persons occupying from Monday to Friday.

4. The original title deeds do not include short term lets and running a business from these premises.

No copy of the clause in the title deeds referred to by the objector has been lodged to check the position. However, it is contended the title deeds do not prohibit the use of these flats for short term lets on a normal residential basis. No business is being run from these flats.

Finally, 33 and 34 Queens Highlands, Aberdeen have been used for short term lets since 2009 and we are not aware of any objections to their use apart from the current one.

General response to objections to Short Term Let Applications

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

1. Occupancy rates for short term lets average around 70%. This means for 30% of the time the property is vacant. There is overall less noise and less wear and tear on common areas than if someone was occupying the property on a long term let.
2. Further, out of the 70% our records show only 35% tick the box for parking required so most arrive by taxi or on foot. Therefore, with short term lets there is less vehicular traffic in and out of the development making it safer and quieter.
3. Short term residents are not using Amazon and other on-line delivery companies as they are often only residing there for a few days or weeks at a time. The strain on the infrastructure is therefore less.
4. The properties are cleaned weekly and cleaned after a guest checks out. Many long term tenants will also have professional cleaners visiting their property on a regular basis. Our housekeepers will also clean communal areas if required, for example, if our housekeepers see litter or areas that require cleaning in communal areas they will attend to it to improve the guests experience. From experience long term tenants rarely if ever assist with cleaning communal areas.
5. An anti-social long-term tenant is extremely difficult to evict and can take years whereas a tenant on a short term let can be removed by us immediately. The U.K Governments Anti-Social Action Plan published in 2023 on page 19 paragraph 28 states: "One in three landlords who have ended a tenancy report that they did so because their tenant engaged in antisocial behaviour. Nuisance, criminal and abusive behaviour which impacts people at home is both disrespectful and unacceptable." It can be seen anti-social behaviour among long term tenants is commonplace and the process to evict an anti-social tenant is costly and can take months, sometimes years, and meantime other residents will have to put up with the anti-social behaviour. A copy of the report is attached.
6. No bookings are taken from anyone with an Aberdeen address. This helps eliminate bookings from people who are not genuinely here for business or on holiday.
7. No one night bookings are taken. Again, this helps eliminate bookings from people who are not genuinely here for work or on holiday.
8. A £200 refundable damages deposit is taken and a damages form is signed by every guest. Again, these measures eliminate bookings from people who are not genuinely here for work or on holiday and eradicates anti-social behaviour as the guest can lose their full deposit.
9. All tenants are vetted. We insist on getting photographic ID such as a passport or drivers licence and a matching credit or debit card.

10. We do not allow bookings from anyone under the age of 21.

11. We attach a copy of our terms and conditions which are signed by every guest prior to checking in. It can be seen there is no smoking, no parties or events of any kind and quiet hours from 9pm to 8am. If there is any breach of these conditions, we will remove the guest from the property the same day. This has never happened, most likely due to the vetting processes mentioned above. Long term tenants will not have the same restrictions placed on them and the threat of losing £200 for breaching them.

12. There is often a clause in the title deeds relating to a property stating no trade, business, manufacture or profession can be run from the property. A common objection to short term lets is that they breach the title deeds of the development. However, it is submitted a licensing board hearing is not the platform to raise such an objection and such an objection should be made in a court such as the Aberdeen Sheriff Court or the First Tier Tribunal.
It is further submitted a short term let does not breach such a clause as the property is being used as a private dwellinghouse for normal residential purposes and no business, trade or manufacture is being run from the property. The business where the marketing is done, bookings are taken, terms agreed and contracts signed is run from commercial premises on Union Street.

13. All our properties have a designated parking space and we make it clear where the parking space is with photographs of the parking space sent to the guest prior to arrival.

14. Serviced apartments and short term let accommodation are a big part of Local Policy objectives to increase tourism in Aberdeen and for Aberdeen to position itself as a hub for the oil and gas and renewable energy sector.

15. It has been noted from reading objection letters that several objectors have not realised we have been carrying out short term lets for over 10 years in their development without them even noticing. This is testament to the fact short terms lets do not cause any problems and certainly no more than a long term let would.

NO SMOKING

NO PARTIES OR EVENTS OF ANY KIND

QUIET HOURS FROM 9PM TO 8AM

NO PETS

IF PRIOR ARRANGEMENT HAS BEEN AGREED FOR PETS, ANY ADDITIONAL CLEANING OR DAMAGE CAUSED BY THE PET(S) SHALL BE DEDUCTED FROM

THE DEPOSIT, AND ANY DAMAGES EXCEEDING THE DEPOSIT WILL BE CHARGED BACK TO THE GUEST.

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

Guest Registration Card

Orange Apartments/AM-PM Apartments

{PROPERTYADDRESS}

Guest Name

Apartment Type :

Arrival Date :

Check-Out Date :

I understand that I am liable for damages caused, wilfully or accidentally, to the property during my stay and agree that my credit or debit card will be charged directly for any such damage. I agree that check-out is prior to 11.00am on the day of check-out and that in the event that I do not leave by that time, for whatever reason, Orange Apartments/AM-PM Apartments reserve the right to charge for another day's stay at their normal daily rate.

In the event that the check out date is extended, beyond the check out date listed above, then the above terms and conditions will be applicable until the extended final check out date of the booking.

NO SMOKING

NO PETS

ANY EVIDENCE WILL RESULT IN A £200 FINE

NO PARTIES OR EVENTS OF ANY KIND

QUIET HOURS FROM 10PM TO 8AM

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

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TENANT SIGNATURES

{TENANTSIGNATURES}

Orange Apartments/AM-PM Apartments

Head Office: 441 Union Street, Aberdeen AB11 6DA

Email: contactus@amandpm.co.uk

Tel: 01224 595555

Copy of the Anti-Social Behaviour Action Plan provided in full as part of the representation and can be accessed [here](#).

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LICENSING COMMITTEE INFORMATION SHEET

26 January 2024

Public Application

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

APPLICANT: KIRK HARRISON

PROPERTY MANAGER: RJH ACCOMMODATION

ADDRESS: 34 QUEENS HIGHLANDS, ABERDEEN

INFORMATION NOTE

- Application Submitted 05/08/2023
- Determination Date 04/08/2024

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

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

DESCRIPTION

The property at 34 Queens Highlands, Aberdeen, is the subject of this new Short Term Let licence application and its accommodation comprises 2 bedrooms, open plan kitchen/lounge, bedroom ensuite and bathroom. The applicant wishes to accommodate a maximum of 4 guests, which is acceptable in terms of space and layout. The location of the premises is shown on the plan attached as Appendix A.

CONSULTEES

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

REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- Aberdeen City Council's Planning Team – no objections

- One objection email from Vanessa & Graeme Smith (Attached as Appendix B)
- Representation from RJH Accommodation (Attached as Appendix C)

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

COMMITTEE GUIDELINES/POLICY

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

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GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

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

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

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

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

(iv) the possibility of undue public nuisance; or

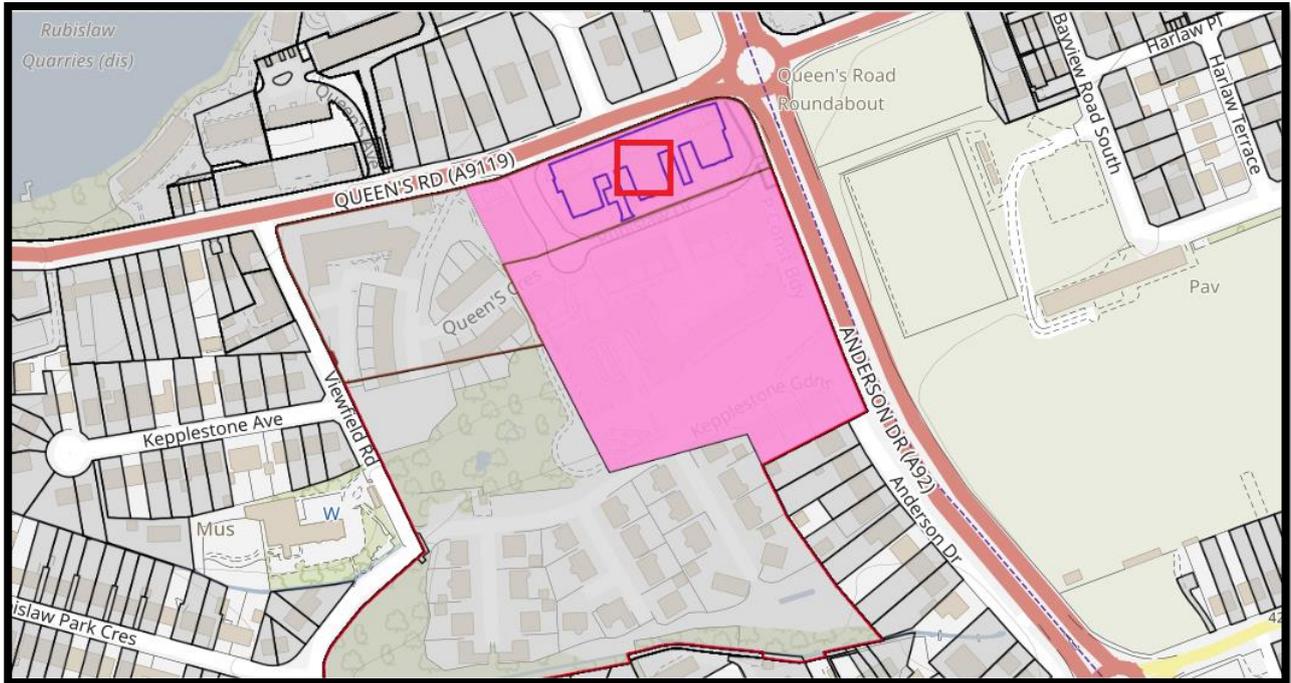
(v) public order or public safety; or

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

OTHER CONSIDERATIONS

- Landlord Registration is not a requirement of Short Term Let licensing.
- All certification required by the Private Sector Housing Officer, has not been completed.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints in respect of 34 Queens Highlands, Aberdeen.
- There are no Granted Short Term Let licenses at Queens Highlands.
- The property is currently unlicensed. However as the applicant was an existing operator before 01 October 2022, the property is currently operating as a Short Term Let until the Licence application is determined.
- Information within the Deed of Conditions is not a ground for refusing a Short Term Let licence within the legislation. Licensing cannot be used to enforce other legal issues and that would have to be enforced via other means.

'A'



'B'

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[REDACTED] Queens Highlands
[REDACTED]

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2. Further, out of the 70% our records show only 35% tick the box for parking required so most arrive by taxi or on foot. Therefore, with short term lets there is less vehicular traffic in and out of the development making it safer and quieter.
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4. The properties are cleaned weekly and cleaned after a guest checks out. Many long term tenants will also have professional cleaners visiting their property on a regular basis. Our housekeepers will also clean communal areas if required, for example, if our housekeepers see litter or areas that require cleaning in communal areas they will attend to it to improve the guests experience. From experience long term tenants rarely if ever assist with cleaning communal areas.
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6. No bookings are taken from anyone with an Aberdeen address. This helps eliminate bookings from people who are not genuinely here for business or on holiday.
7. No one night bookings are taken. Again, this helps eliminate bookings from people who are not genuinely here for work or on holiday.
8. A £200 refundable damages deposit is taken and a damages form is signed by every guest. Again, these measures eliminate bookings from people who are not genuinely here for work or on holiday and eradicates anti-social behaviour as the guest can lose their full deposit.
9. All tenants are vetted. We insist on getting photographic ID such as a passport or drivers licence and a matching credit or debit card.

10. We do not allow bookings from anyone under the age of 21.

11. We attach a copy of our terms and conditions which are signed by every guest prior to checking in. It can be seen there is no smoking, no parties or events of any kind and quiet hours from 9pm to 8am. If there is any breach of these conditions, we will remove the guest from the property the same day. This has never happened, most likely due to the vetting processes mentioned above. Long term tenants will not have the same restrictions placed on them and the threat of losing £200 for breaching them.

12. There is often a clause in the title deeds relating to a property stating no trade, business, manufacture or profession can be run from the property. A common objection to short term lets is that they breach the title deeds of the development. However, it is submitted a licensing board hearing is not the platform to raise such an objection and such an objection should be made in a court such as the Aberdeen Sheriff Court or the First Tier Tribunal.
It is further submitted a short term let does not breach such a clause as the property is being used as a private dwellinghouse for normal residential purposes and no business, trade or manufacture is being run from the property. The business where the marketing is done, bookings are taken, terms agreed and contracts signed is run from commercial premises on Union Street.

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NO PARTIES OR EVENTS OF ANY KIND

QUIET HOURS FROM 9PM TO 8AM

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IF PRIOR ARRANGEMENT HAS BEEN AGREED FOR PETS, ANY ADDITIONAL CLEANING OR DAMAGE CAUSED BY THE PET(S) SHALL BE DEDUCTED FROM

THE DEPOSIT, AND ANY DAMAGES EXCEEDING THE DEPOSIT WILL BE CHARGED BACK TO THE GUEST.

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

Guest Registration Card
Orange Apartments/AM-PM Apartments

{PROPERTYADDRESS}

Guest Name

Apartment Type :

Arrival Date :

Check-Out Date :

I understand that I am liable for damages caused, wilfully or accidentally, to the property during my stay and agree that my credit or debit card will be charged directly for any such damage. I agree that check-out is prior to 11.00am on the day of check-out and that in the event that I do not leave by that time, for whatever reason, Orange Apartments/AM-PM Apartments reserve the right to charge for another day's stay at their normal daily rate.

In the event that the check out date is extended, beyond the check out date listed above, then the above terms and conditions will be applicable until the extended final check out date of the booking.

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TENANT SIGNATURES

{TENANTSIGNATURES}

Orange Apartments/AM-PM Apartments

Head Office: 441 Union Street, Aberdeen AB11 6DA

Email: contactus@amandpm.co.uk

Tel: 01224 595555

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LICENSING COMMITTEE INFORMATION SHEET

26 January 2024

Public Application

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

APPLICANT: RONGRONG ZHOU

PROPERTY MANAGER: RONGRONG ZHOU

ADDRESS: 7 JUTE STREET, ABERDEEN

INFORMATION NOTE

- Application Submitted 17/08/2023
- Determination Date 16/08/2024

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

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

DESCRIPTION

The property at 7 Jute Street, Aberdeen, is the subject of this new Short Term Let licence application and its accommodation comprises 2 bedrooms, lounge/kitchen and bathroom. The applicant wishes to accommodate a maximum of 2 guests, which is acceptable in terms of space and layout. The location of the premises is shown on the plan attached as Appendix A.

CONSULTEES

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

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- One objection email from Nicola James (Attached as Appendix B)

- Representation from Rongrong Zhou (Attached as Appendix C)

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

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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 Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints in respect of 7 Jute Street, Aberdeen.
- There are no Granted Short Term Let licenses at Jute Street, Aberdeen.
- The property is currently unlicensed. However as the applicant was an existing operator before 01 October 2022, the property is currently operating as a Short Term Let until the Licence application is determined.

'A'



'B'

From: Nicola James [REDACTED]
Sent: Monday, September 18, 2023 9:11 PM
To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>
Subject: 7 Jute Street, Aberdeen, AB24 3ET

Good evening,

I am writing to object to the short term let application for the above address which i believes closes today, i assume at midnight.

The reason for my objection is the property is a one bedroom flat and not fit to house 4 people. If 4 people approached Aberdeen City Council Housing dept for somewhere to live, the housing dept would not house 4 individuals in such a small property. A one bedroom flat should house a single person or a couple in a recognised relationship. Even if the living room is converted to a bedroom, the owner is simply cramming people for money gain. There would be no privacy. No Living area, just sleeping quarters. Four individuals sharing cooking & bathroom facilities. To allow 4 individuals to live in a one bedroom, even on a short term let, should not be seen as acceptable in todays society.

Kindest regards

Nicola James
[REDACTED]

'C'

From: z lola [REDACTED]
Sent: Saturday, January 6, 2024 12:50 PM
To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>
Subject: Re: Short Term Let Licence Application - 7 Jute Street - Licensing Committee

Thanks [REDACTED]

1. From the letter of the objection, I understood that the reason for the objection was the property was a one-bedroom flat and not fit to house 4 people. I have to point out that the flat is a two-bedroom flat with a sizable living room and kitchen area. Each bedroom has a reasonable size and a double-bed. Please see attached the floor plan and some photos of the actual rooms in the flat. Our statistics of the previous bookings in the past year also show that over 80% of the total reservations were for one or two guests, and the rest for 3 to 4 guests, a family with children or a group of friends. We have very great guests' reviews - 9 out of 10 (Superb) on Booking.com and 4.92 out of 5 on Airbnb.com. Please also see attached some snapshots from the websites for your reference. We are just trying to say that we are not "simply cramming people for money gain" (quoted from the objection letter). We have been working hard all the time and we believe we've provided our guests with the great service & experiences when they visited our city. Please include these information into the report to the Committee.

[REDACTED]

Best regards,

Lola Zhou

Kitchen



Living room



Bedroom-1



Bedroom-2



Air B&B Reviews:



Anywhere Any week Add guests

Airbnb your home

2 Double bedrooms flat Aberdeen City, near Univers

Share Save



Entire apartment in Aberdeen City, United Kingdom

3 guests · 2 bedrooms · 2 beds · 1 bathroom



One of the most loved homes on Airbnb, according to guests

4.92

12

Reviews

CHECK IN 25/01/2024	CHECKOUT 27/01/2024
GUESTS 1 guest	

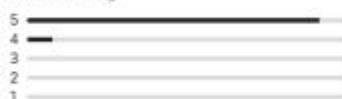
X

4.92

Guest favourite

One of the most loved homes on Airbnb based on ratings, reviews and reliability

Overall rating



Cleanliness	4.8
Accuracy	4.8
Check-in	4.8
Communication	5.0
Location	4.8
Value	4.8

12 reviews

Most recent

Search reviews



Viktor

7 months on Airbnb

★★★★★ October 2023

Good place to stay both for the long and short-term. Brand new furniture, clean and spacious rooms, and nice internet connection. Well equipped kitchen, it was a pleasure to cook there.
3 great grocery shops in 10 minute's walk.
10-minute walk to Aberdeen University, and 30 minutes to the beach promenade.



Lisbeth

Sandnes, Norway

★★★★★ August 2023

The host always responded quickly to messages and was really nice and accommodating. The apartment was clean and neat and the area was very nice with old Aberdeen nearby. Walking distance to bus, restaurants and pubs. Recommend

Translated from Norwegian. [Show original](#)



Sannah

Bury, United Kingdom

★★★★★ July 2023

Lovely place to stay and very central. A bit tiring for bringing stuff in and out during the stay as its on the 2nd floor, so lots of stairs! Great Host, Thank You



Haaris

Shenley Brook End, United Kingdom

Booking.com Reviews:

The screenshot shows the Booking.com interface for a property listing. At the top, the Booking.com logo is on the left, and navigation options like 'GBP', 'List your property', 'Register', and 'Sign in' are on the right. Below the logo, there are icons for 'Stays', 'Flights', 'Flight + Hotel', 'Car rentals', 'Attractions', and 'Airport taxis'. The breadcrumb trail reads: 'Home > Hotels > All apartments > United Kingdom > Grampian > Aberdeen > 2 DoubleBed Rooms Flat Aberdeen City, near University (Apartment) (UK) deals'. A 'We Price Match' button is visible. The main listing title is '2 DoubleBed Rooms Flat Aberdeen City, near University'. Below the title, the address is '7 Jute Street, Aberdeen, AB24 3HD, United Kingdom - Excellent location - show map'. There are several photos of the apartment, including a kitchen, a living area, and bedrooms. A review snippet is visible: 'Superb 9.0 40 reviews. Large rooms, wooden floors, light and airy, unusually well equipped, perfect location close to the university and the student towns, the beach and the city centre. The hosts...'. A 'Free WiFi' badge with '10' is also present. On the left, there is a search sidebar with fields for 'Destination/property name' (Aberdeen), 'Check-in date', 'Check-out date', and '2 adults - 0 children - 1 room'. A map shows the location in Aberdeen, near the Science Centre and Aberdeen Beach. The bottom right of the photo gallery says '+14 photos'.

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LICENSING COMMITTEE INFORMATION SHEET

26 January 2024

Public Application

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

APPLICANT: KIRK HARRISON

PROPERTY MANAGER: RJH ACCOMMODATION

ADDRESS: 40 BEECHGROVE GARDENS, ABERDEEN

INFORMATION NOTE

- Application Submitted 21/09/2023
- Determination Date 20/09/2024

This Short Term Let licence application is on the agenda of the Licensing Committee for the reason that 7 representations/objections were submitted to the Private Sector Housing Team.

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

DESCRIPTION

The property at 40 Beechgrove Gardens, Aberdeen, is the subject of this new Short Term Let licence application and its accommodation comprises 2 bedrooms, kitchen, lounge, bedroom ensuite and bathroom. The applicant wishes to accommodate a maximum of 4 guests, which is acceptable in terms of space and layout. The location of the premises is shown on the plan attached as Appendix A.

CONSULTEES

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

REPRESENTATIONS/OBJECTIONS

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

- One objection letter from Colin Watson (Attached as Appendix C)
- One objection letter from R.C. Palmer (Attached as Appendix D)
- One objection letter from D.R. Kynoch (Attached as Appendix E)
- One objection letter from Andrew Wilson & Margaret Wilson (Attached as Appendix F)
- One objection letter from Dr John Barron (Attached as Appendix G)
- One objection letter from J. Henderson (Attached as Appendix H)
- Representation from RJH Accommodation (Attached as Appendix I)

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

COMMITTEE GUIDELINES/POLICY

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

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

GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

OTHER CONSIDERATIONS

- Landlord Registration is not a requirement of Short Term Let licensing.
- All certification required by the Private Sector Housing Officer, has not been completed.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints in respect of 40 Beechgrove Gardens, Aberdeen.
- There are no Granted Short Term Let licenses at Beechgrove Gardens.
- The property is currently unlicensed. However as the applicant was an existing operator before 01 October 2022, the property is currently operating as a Short Term Let until the Licence application is determined.
- Information within the Deed of Conditions is not a ground for refusing a Short Term Let licence within the legislation. Licensing cannot be used to enforce other legal issues and that would have to be enforced via other means.
- The legislation only requires the Notice to be displayed "on or near" the premises. The Private Sector Housing Officer instructed the Property Manager to re-display another Notice in a public place. This was complied with in a suitable location for the statutory time period.

'A'



ShortTermLets@aberdeencity.gov.uk

To whomever it may concern,

I am writing to you on **3rd October 2023** to start the **Objection Process** to a **Short Term Let Licence** made by a **Mr Kirk Harrison** ([REDACTED]) for the property at **40 Beechgrove Gardens, Aberdeen, AB155HG**.

I am the owner of the flat [REDACTED] the flat in question and strongly object to the application of a short term let licence for the property, based on the following points:

- 1. The short term let licence of the property is in direct conflict with the shared deeds of the complex block**
- 2. The flat has been operated as a short term let in the past, which has caused distribution to the block**
- 3. I believe that the operation of a business flat in our block would devalue and hold up the potential sale of the other flats in the block**
- 4. The notice was hidden outside the boundaries of the flat on a lamp post round the corner**

I have spoken with other residents in the block who have agreed with the points in this letter and have advised that they will be making an objection to the short term let.

Please see in detail the reasoning behind the points of objection:

- 1. The short term let licence of the property is in direct conflict with the shared deeds of the complex block**
 - a. Title Number [REDACTED] (D. Burdens Section –D7), attached in the email, advised the following are **not permitted** as part of the deeds of the 'Whole Area and all Flats therein':
 - i. **3.1** 'Each Flat shall be used solely as a private dwellinghouse and for no other purpose whatever and none of the Flats shall ever in any way be sub-divided or occupied by more than one family at a time.'
 - ii. I believe this to be against the deeds of the flat as a licence would allow the flat to be accessed by people other than the private tenants of the flat and could as such be occupied by more than one family at a time. In previous cases, the flat has been used to house workmen for days at a time, resulting in more than one family being present in the flat for an extended period.
 - iii. **3.2** 'The Proprietors and parties occupying any of the Flats are hereby expressly prohibited from carrying on therein or in any other part of the Whole Area any trade, business, manufactory or profession, or from using them or any of them or causing them or any of them to be used for any purpose which might reasonably be deemed a nuisance and that whether or not such trade, business or profession is incidental to the ordinary residential use thereof and notwithstanding any rule of law to the contrary and no board, card, plates or advertising notice of any kind (other than in respect of the occasional selling or leasing of a Flat) shall be placed in the Flats or any of the Blocks and the Proprietors shall not be entitled to erect and are prohibited from erecting any television or radio antennae or satellite dish or similar apparatus or have the same attached to or suspended from the roof of any Block.'

- iv. A short term let licence would be in breach of the deeds of the flat as the operation of the flat as a short term address causes trades people, cleaners and other short term residents accessing the building, using other residents door bells to access the building.
- v. **3.3** 'Nothing may be done on any part of the Whole Area or in any building or erection thereon that may reasonably be deemed a nuisance or likely to occasion disturbance to other Proprietors of parts of the Whole Area or proprietors of subjects adjoining the Whole Area or their tenants or assignees.'
- vi. The short term let licence would allow the flat to continue to be operated allowing people access to the property at unusual hours (builders staying in the flat, cleaners and other short term residents) which causes noise and general annoyance to the rest of the residents in the block.
- vii. **3.4** 'No Proprietor of any Flat shall permit any trailer, boat, caravan or commercial vehicle (other than the normal tradesmen's delivery vans or removal contractors' vehicles) to enter or remain within the Whole Area.'
- viii. As the property is used regularly to house workmen, there is usually commercial vehicles, vans, and large trailers parked outside the property in the allocated parking space. This space is sized for a regular car parking space and trailers are often parked over the flower bed area and often against bushes etc. and take up a lot of room out with their space in the car park making it difficult for other residents to park their vehicles. This is in conflict with the deeds of the flat as the commercial vehicles are parked overnight when people are using the property.
- ix. See images below of workmen vans which have been left overnight causing issues in the car park and damage to plants and flowerbeds. These vehicles have most commonly been from a company called 'Clancy'.



2. The flat has been operated as a short term let in the past, which has caused distribution to the block

- a. As discussed in the points above, we have experienced a difficulties and disruption to the block including short term residents opening our flat door by mistake and walking into our premises, leaving the front door on the latch and unlocked as they only have one key, harassing residents of the flat outside the property to gain access and generally leaving

the car park and outside hallways of the block in a mess. This is also an issue when it comes to the hours they have been entering and leaving the property, leaving vehicles running in the car park and causing noise at unsociable hours.

- b. A lot of the residents within the block are older and have felt that the constant stream of random people entering the block to be unsettling.

3. I believe that the operation of a business flat in our block would devalue and hold up the potential sale of the other flats in the block

- a. The uncertainty of the flat being allowed to be run as a business is against the deeds of our building which have to be adhered to at all times, the risk of these rules being broken could devalue the block and individual flats, not least my residence as I am directly below the property in question.
- b. I have already experienced issues with the flat above leaking into our kitchen, which was unresolved and remains unresolved to this day. I would be extremely concerned that if this flat is continued to be used in this way that if there is another issue like this it could cause serious structural damage to the building and based on the reluctance to acknowledge this in the past, it causes concerns about the flat being operated as a short term licence property.

c.



4. The notice was hidden outside the boundaries of the flat on a lamp post round the corner

- a. While I am of the understanding that each of the residents do not need to be notified, the notice was not within our block or even within the grounds of the property. This leads me to believe that the owner of Flat 40 is aware of the deeds of the property and as such has not properly followed the process in an attempt to pass the licence through.

Below is a copy of the deeds to the property which has been referenced above:



D. BURDENS SECTION

ENTRY
NO

SPECIFICATION

left or deposited other than in the bin stores or bin areas provided for that purpose.

3. So far as regards the Whole Area and all Flats therein:-

(1) Each Flat shall be used solely as a private dwellinghouse and for no other purpose whatever and none of the Flats shall ever in any way be sub-divided or occupied by more than one family at a time.

(2) The Proprietors and parties occupying any of the Flats are hereby expressly prohibited from carrying on therein or in any other part of the Whole Area any trade, business, manufactory or profession, or from using them or any of them or causing them or any of them to be used for any purpose which might reasonably be deemed a nuisance and that whether or not such trade, business or profession is incidental to the ordinary residential use thereof and notwithstanding any rule of law to the contrary and no board, card, plates or advertising notice of any kind (other than in respect of the occasional selling or leasing of a Flat) shall be placed in the Flats or any of the Blocks and the Proprietors shall not be entitled to erect and are prohibited from erecting any television or radio antennae or satellite dish or similar apparatus or have the same attached to or suspended from the roof of any Block.

(3) Nothing may be done on any part of the Whole Area or in any building or erection thereon that may reasonably be deemed a nuisance or likely to occasion disturbance to other Proprietors of parts of the Whole Area or proprietors of subjects adjoining the Whole Area or their tenants or assignees.

(4) No Proprietor of any Flat shall permit any trailer, boat, caravan or commercial vehicle (other than the normal tradesmen's delivery vans or removal contractors' vehicles) to enter or remain within the Whole Area.

© Crown copyright 2014

I thank you for reading the detailed objection to the short term lease licence for Flat 40 Beechgrove Gardens, Aberdeen. I am more than happy to provide further information if required and please feel free to get in touch at any time.

Kind Regards,

Fraser Masson

██████████, Aberdeen, AB155HG



Aberdeen City Council
 The Civic Government (Scotland) Act 1982 (Licensing of
 Short-term Lets) Order 2022
**PUBLIC NOTICE OF APPLICATION FOR A SHORT TERM
 LET LICENCE**

NOTICE IS HEREBY GIVEN that an application has been submitted to Aberdeen City Council for a licence to operate a **Short Term Let Licence** in respect of accommodation at:

SHORT TERM LET ADDRESS:	40 Beechgrove Gardens Aberdeen.		
LICENCE TYPE:	Short Term Let	POSTCODE:	AB15 5HG.
		NEW OR RENEWAL:	NEW

1. NAME & ADDRESS OF APPLICANT ¹

NAME	KIRK HARRISON		
ADDRESS	[REDACTED]	[REDACTED]	[REDACTED]
	ABERDEEN	POSTCODE	[REDACTED]

NAME & ADDRESS OF DAY-TO-DAY MANAGER/AGENT (WHERE APPLICABLE) ²

NAME	AM-PM LEASING.		
ADDRESS	441 UNION STREET	[REDACTED]	[REDACTED]
	ABERDEEN.	POSTCODE	AB11 6DA.

DATE APPLICATION MADE	21 1 09 1 2023.		
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Representations

Representations about the application must -
 (a) be in writing, (b) set out the name and address of the person making it, (c) specify the grounds of the objection or, as the case may be, the nature of the representation (d) be signed by that person or on their behalf and (e) be submitted to the Short Term Let Unit, Early Intervention & Community Empowerment, Business 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'

[REDACTED]
Aberdeen

AB15 5HG.

7th October 2023

Dear Sir/Madam,

I write to register my objection to the application for a Short Term Let Permit with respect to the property at 40 Beechgrove Gardens, Aberdeen. Any such use of the property is specifically disallowed in the shared deeds of the building. The apartments may only be used as a private dwellinghouse and may not be used for any commercial purpose.

Yours faithfully

[REDACTED]
COLIN WATSON

[REDACTED]
ABERDEEN AB15 5HG.

'D'

Early Intervention & Community Empowerment

Business Hub 11

Short Term Let Unit

Second Floor West

Marischal College

Broad Street

Aberdeen AB10 1AB



Aberdeen AB15 5HG

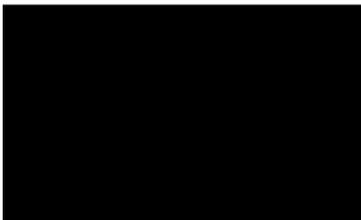
9th. October 2023

To whom it may concern,

As the Owner of [REDACTED] I object to the application to operate a Short Term Let Licence in respect of accommodation at No. 40 Beechgrove Gardens.

Currently AIRBNB alone, offer in excess of 1,000 properties as short term units and I suggest that the introduction of additional such units in our enclave is unnecessary and unwelcome.

The publicity associated with this type of property operation is well documented and often adverse.



R.C. Palmer

Aberdeen City Council
Housing & Environment
DATE RECEIVED
12 OCT 2023
Private Sector Housing Unit

'E'

[REDACTED] Aberdeen AB15 5HG.

Short Term Let Unit,
Marischal College,
Broad Street,
Aberdeen.

To Whom It May Concern,

I write in response to a public notice of application for a short-term let licence at 40 Beechgrove Gardens, Aberdeen and wish to object most strongly to such an application. It is with the gravest misgivings that I learned of this, being familiar with the protests in the letter columns of the national press of people whose lives have been adversely affected by such lets, not least through the Air B and B system. Short-term lets appear so regularly to be abused by the people who use them, holding noisy parties and behaving in an anti-social manner with no thought for the neighbours. As they can be gone next day, there's no question of sanction or retribution. Furthermore, the constant change of tenant means that existing residents have no means of knowing who has a right to be in their building. Security is therefore seriously undermined.

Although not resident in the block immediately affected, I am resident elsewhere in the Beechgrove Gardens development and have no wish to lose the peaceful ambience of the district or see it attracting strangers who do not share our ethos. Nor would I wish to see my own block blighted in this way by any future application. What effect a flat of this kind would have on the value of the other properties in this development does not bear thinking about.

Finally, may I point out that the original notice of application was not posted inside the development but on a lamp-post outside it. As most residents come and go by car, very few had read it. That situation has now been remedied to the extent that the notice is now posted within the block in question. As I write, the majority of Beechgrove Gardens residents, however, are most unlikely to know of it and to what extent their peace and quiet could be threatened. I hope, belatedly, to post notices in the other blocks, though these, of course, will not be seen by absentee landlords.

Nobody in Beechgrove Gardens stands to benefit from this change (quite the contrary, I would suggest.) The only person to benefit is the applicant, who, significantly, is resident elsewhere.

Yours faithfully,

[REDACTED]
D. R. Kynoch (Mr).

Aberdeen City Council
Housing & Environment
DATE RECEIVED
12 OCT 2023
Private Sector Housing Unit

'F'

DATE RECEIVED

16 OCT 2023

Private Sector Housing Unit
Short Term Let Unit

ABERDEEN
AB15 5HG

12 October 2023

Early Intervention and Community Empowerment
Business Hub 11
Second Floor West
Marischal College
Broad Street
ABERDEEN
AB10 1AB

Dear Sirs

Application for a Short Term Let Licence (40 Beechgrove Gardens)

It was by chance that on Friday, 29 September, my wife and I read the Notice which had been attached to a lamp post outside the Beechgrove Gardens Flatted Development alerting us to the Application from Mr Kirk Harrison, [REDACTED] [REDACTED] for a Short Term Let Licence to operate Number 40 Beechgrove Gardens as a Short Term Letting property.

We strongly object to this Application for a Short Term Let Licence for the following reasons:

1. The security of Block 35-40 being compromised
2. Disturbance caused by people entering and leaving the Block at any time of the day or night
3. Noise from raucous socialising emanating from Flat No. 40 especially at unsociable hours
4. Block 35-40 is a quiet residential Block with a mix of Residents (young and old) and the change of use of Flat No. 40 to Short Term Lets would destroy the ambience of our Block to the detriment of the wellbeing of the Residents
5. We have been made aware that Short Term Lets in Edinburgh have been the cause in many instances of antisocial behaviour and other misdemeanours

Yours faithfully

[REDACTED]

ANDREW B WILSON

[REDACTED]

MARGARET E WILSON (Mrs)

'G'

12/10/2023

[REDACTED]
Aberdeen AB15 5HG

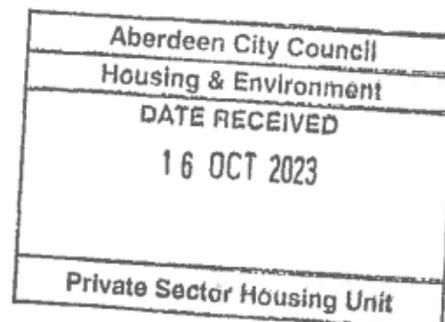
Dear Sir/Madam,

Re: Application for a short-term let licence by Kirk Harrison, [REDACTED]
[REDACTED]

I believe that letting out a property for Airbnb or other short-term lettings increases the likelihood of neighbour complaints. I object to the attached proposal.

Yours faithfully,

[REDACTED]
Dr John Barron





Aberdeen City Council
 The Civic Government (Scotland) Act 1982 (Licensing of
 Short-term Lets) Order 2022
**PUBLIC NOTICE OF APPLICATION FOR A SHORT TERM
 LET LICENCE**

NOTICE IS HEREBY GIVEN that an application has been submitted to Aberdeen City Council for a licence to operate a **Short Term Let Licence** in respect of accommodation at:

SHORT TERM LET ADDRESS:	40 Beechgrove Gardens		
	Aberdeen.		
LICENCE TYPE:	Short Term Let	POSTCODE:	AB10 5HG.
		NEW OR RENEWAL:	NEW.

1. NAME & ADDRESS OF APPLICANT¹

NAME	KIRK HARRISON		
ADDRESS	[REDACTED]		
	ABERDEEN	POSTCODE	[REDACTED]

NAME & ADDRESS OF DAY-TO-DAY MANAGER/AGENT (WHERE APPLICABLE)²

NAME	AM-PM LEASING.		
ADDRESS	441 UNION STREET		
	ABERDEEN.	POSTCODE	AB11 6D17.

DATE APPLICATION MADE	21	1	09	1	2023.
-----------------------	----	---	----	---	-------

Representations

Representations about the application must -

(a) be in writing, (b) set out the name and address of the person making it, (c) specify the grounds of the objection or, as the case may be, the nature of the representation (d) be signed by that person or on their behalf and (e) be submitted to the Short Term Let Unit, Early Intervention & Community Empowerment, Business 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.

'H'

John Henderson,

Aberdeen

Ab15 5hg

11 oct 2023

Short term let unit,
Early intervention & community empowerment,
Business hub II,
Second floor west,
Marischal college,
Broad street,
Aberdeen. Ab10 1Ab.

Dear sir or madam,

I wish to object in the strongest terms to the short term let application at 40 Beechgrove gardens, Aberdeen. This is a very quiet compound, tenanted by mostly older people and short term let could well attract unsuitable persons with no concern for neighbours or environment. I would ask you, therefore, to reject this application

Yours sincerely,

[Redacted signature]

Aberdeen City Council
Housing & Environment
DATE RECEIVED
18 OCT 2023
Private Sector Housing Unit

Responses to objections to short term let application for 40 Beechgrove Gardens, Aberdeen

It is noted 7 objections have been lodged. Out of these 4 of the objectors do not live in the same block of flats as 40 Beechgrove Gardens, Aberdeen. It is submitted that 40 Beechgrove Gardens Aberdeen being used for short term lets does not affect them in any way.

It is also clear that 6 out of the 7 objectors have failed to notice that 40 Beechgrove Gardens has been operating as a short term let for over 10 years. This proves its use as such is not causing any disturbance or other problems to them at all.

Only one of the objectors, Fraser Masson, has noticed the flat has operated in the past as a short term let. He states in his email dated 3rd October 2023: "The flat has been operated as a short term let in the past, which has caused disturbance to the block." We presume he means "disturbance," but he gives no examples of any disturbances.

Most of the points raised by the objectors have been dealt with in the general responses to the applications but we wish to respond individually to the 3 lodged by those who live in the same block:-

Objection from Colin Watson

It is not agreed the use of the property as a short term let is disallowed by the title deeds. No evidence is submitted as to why Mr Watson contends it is.

When the flat is being used as a short term let it is being used as a private dwellinghouse for normal residential purposes and not for any commercial purposes.

Objection from Andrew Wilson and Margaret Wilson

It is clear these objectors have failed to notice the flat at 40 Beechgrove Gardens has been operating as a short term let for over 10 years which proves its use as such is not causing any disturbance or other problems to them at all.

Objection from Fraser Masson

1. The Short Term Let Licence is in direct conflict with the title deeds.

This is incorrect.

3.1 The title deeds have not been produced but it is contended the current use will not be against the title deeds of the flat. The flat is being used as a private dwellinghouse for normal residential purposes and no trade, business, manufacture or profession is being run from there. The reference to not being used by more than one family is in the context of the flat not being sub-divided and the flat has not been sub-divided and used by more than one family.

A short term let licence would not allow the flat to be accessed by anyone other than permitted guests and any permitted guests will have gone through a strict vetting process with ID checks and financial checks and a £200 damages deposit is taken.

3.2 As in 3.1 above although the title deeds have not been produced it is contended the current use is not against the title deeds of the flat. The flat is being used as a private dwellinghouse for normal residential purposes and no trade, business, manufacture or profession is being run from there. Trades

people and cleaners can visit any flat in the development and neither this or short term residents breaches the title deeds. Other residents door bells are not used and this flat has its own doorbell.

3.3 This is an unfounded allegation. For over 10 years this flat has been used for short term lets and we are not aware of a single complaint from any of the residents in the block about noise or any other matter. The people residing there operate normal working hours or are on holiday. There is reference made to "builders" and they generally operate normal working hours.

3.4 This is denied. The only vehicles we are aware that have ever been parked in the private parking space are normal tradesmen's vans or normal cars. Again, we have never received a complaint about this in over 10 years. We note the photo supplied by the objector is of a company called "Clancy" and we can advise we have never taken a booking from a company with this name and the photo shows a vehicle parked nowhere near the allocated parking space for this flat.

2. The flat has operated as a short term let in the past, which has caused distribution to the block

In the 10 years plus we have been operating this flat as a short term let we have never received a single complaint from any resident. We take great care in who we allow to stay there. We don't take one night bookings and rarely a booking from an Aberdeen address and if we do we check the reason for their stay. There is reference to cleaners visiting the flat but many people have professional cleaners such as Mollie Maid cleaning their property on a regular basis and no-one would contend this was a breach of the title deeds.

Further, if the complainer thinks there has been a breach of the title deeds this is not the platform for him to lodge a complaint. Such a complaint should be made through Aberdeen Sheriff Court.

3. I believe that the operation of a business flat in our block would devalue and hold up the potential sale of the other flats in the block

There is no evidence lodged to show a correlation between the flat being used for short term lets and properties in the block being devalued and this is denied.

4. The notice was hidden outside the boundaries of the flat on a lamp post round the corner.

The regulations relating to displaying a notice about the short term let application state that it must be displayed in a public place as close to a development as possible, (and not within the block or the grounds of the property). In practice this will be the closest lamppost on a public street outside a private development. This was duly carried out and the inspector from Aberdeen City Council who visited the property in connection with the short term let licence confirmed the notice had been put in the correct place and the correct process had been followed. It was not "hidden" and the objector

should not have removed the notice from the lamp post and by doing so has interfered with the proper process being carried out.

Conclusion: Based on the general responses and these responses to the objections It is submitted that none of these objectors have suffered any negative experiences at all from the property being used for short term lets that would impact them in any way. Most of the objectors have not realised the flat has been used for short term lets for over 10 years now which proves its use as such is causing no problems.

Given all of the above it is submitted this application should be approved.

General response to objections to Short Term Let Applications

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

1. Occupancy rates for short term lets average around 70%. This means for 30% of the time the property is vacant. There is overall less noise and less wear and tear on common areas than if someone was occupying the property on a long term let.
2. Further, out of the 70% our records show only 35% tick the box for parking required so most arrive by taxi or on foot. Therefore, with short term lets there is less vehicular traffic in and out of the development making it safer and quieter.
3. Short term residents are not using Amazon and other on-line delivery companies as they are often only residing there for a few days or weeks at a time. The strain on the infrastructure is therefore less.
4. The properties are cleaned weekly and cleaned after a guest checks out. Many long term tenants will also have professional cleaners visiting their property on a regular basis. Our housekeepers will also clean communal areas if required, for example, if our housekeepers see litter or areas that require cleaning in communal areas they will attend to it to improve the guests experience. From experience long term tenants rarely if ever assist with cleaning communal areas.
5. An anti-social long-term tenant is extremely difficult to evict and can take years whereas a tenant on a short term let can be removed by us immediately. The U.K Governments Anti-Social Action Plan published in 2023 on page 19 paragraph 28 states: "One in three landlords who have ended a tenancy report that they did so because their tenant engaged in antisocial behaviour. Nuisance, criminal and abusive behaviour which impacts people at home is both disrespectful and unacceptable." It can be seen anti-social behaviour among long term tenants is commonplace and the process to evict an anti-social tenant is costly and can take months, sometimes years, and meantime other residents will have to put up with the anti-social behaviour. A copy of the report is attached.
6. No bookings are taken from anyone with an Aberdeen address. This helps eliminate bookings from people who are not genuinely here for business or on holiday.
7. No one night bookings are taken. Again, this helps eliminate bookings from people who are not genuinely here for work or on holiday.
8. A £200 refundable damages deposit is taken and a damages form is signed by every guest. Again, these measures eliminate bookings from people who are not genuinely here for work or on holiday and eradicates anti-social behaviour as the guest can lose their full deposit.
9. All tenants are vetted. We insist on getting photographic ID such as a passport or drivers licence and a matching credit or debit card.

10. We do not allow bookings from anyone under the age of 21.

11. We attach a copy of our terms and conditions which are signed by every guest prior to checking in. It can be seen there is no smoking, no parties or events of any kind and quiet hours from 9pm to 8am. If there is any breach of these conditions, we will remove the guest from the property the same day. This has never happened, most likely due to the vetting processes mentioned above. Long term tenants will not have the same restrictions placed on them and the threat of losing £200 for breaching them.

12. There is often a clause in the title deeds relating to a property stating no trade, business, manufacture or profession can be run from the property. A common objection to short term lets is that they breach the title deeds of the development. However, it is submitted a licensing board hearing is not the platform to raise such an objection and such an objection should be made in a court such as the Aberdeen Sheriff Court or the First Tier Tribunal.
It is further submitted a short term let does not breach such a clause as the property is being used as a private dwellinghouse for normal residential purposes and no business, trade or manufacture is being run from the property. The business where the marketing is done, bookings are taken, terms agreed and contracts signed is run from commercial premises on Union Street.

13. All our properties have a designated parking space and we make it clear where the parking space is with photographs of the parking space sent to the guest prior to arrival.

14. Serviced apartments and short term let accommodation are a big part of Local Policy objectives to increase tourism in Aberdeen and for Aberdeen to position itself as a hub for the oil and gas and renewable energy sector.

15. It has been noted from reading objection letters that several objectors have not realised we have been carrying out short term lets for over 10 years in their development without them even noticing. This is testament to the fact short terms lets do not cause any problems and certainly no more than a long term let would.

NO SMOKING

NO PARTIES OR EVENTS OF ANY KIND

QUIET HOURS FROM 9PM TO 8AM

NO PETS

IF PRIOR ARRANGEMENT HAS BEEN AGREED FOR PETS, ANY ADDITIONAL CLEANING OR DAMAGE CAUSED BY THE PET(S) SHALL BE DEDUCTED FROM

THE DEPOSIT, AND ANY DAMAGES EXCEEDING THE DEPOSIT WILL BE CHARGED BACK TO THE GUEST.

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

Guest Registration Card

Orange Apartments/AM-PM Apartments

{PROPERTYADDRESS}

Guest Name

Apartment Type :

Arrival Date :

Check-Out Date :

I understand that I am liable for damages caused, wilfully or accidentally, to the property during my stay and agree that my credit or debit card will be charged directly for any such damage. I agree that check-out is prior to 11.00am on the day of check-out and that in the event that I do not leave by that time, for whatever reason, Orange Apartments/AM-PM Apartments reserve the right to charge for another day's stay at their normal daily rate.

In the event that the check out date is extended, beyond the check out date listed above, then the above terms and conditions will be applicable until the extended final check out date of the booking.

NO SMOKING

NO PETS

ANY EVIDENCE WILL RESULT IN A £200 FINE

NO PARTIES OR EVENTS OF ANY KIND

QUIET HOURS FROM 10PM TO 8AM

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

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

TENANT SIGNATURES

{TENANTSIGNATURES}

Orange Apartments/AM-PM Apartments

Head Office: 441 Union Street, Aberdeen AB11 6DA

Email: contactus@amandpm.co.uk

Tel: 01224 595555

Copy of the Anti-Social Behaviour Action Plan provided in full as part of the representation and can be accessed [here](#).

LICENSING SUB COMMITTEE INFORMATION SHEET
26 JANUARY 2024

TYPE OF APPLICATION: APPLICATION FOR A PUBLIC ENTERTAINMENT LICENCE
APPLICANT: HILTON COMMUNITY CENTRE

INFORMATION NOTE

Application must be determined by 15/02/2024

DESCRIPTION

Public Entertainment Licence

CONSULTEES

- Police Scotland
- Environmental Health
- Scottish Fire and Rescue Service
- Building Standards

OBJECTIONS/REPRESENTATIONS

Legal – Building Standards inspection had not been carried out as of 09/01/2024. We have been informed by the Building Standard team that they had unsuccessfully contacted applicant to arrange an inspection.

Emails were sent to applicant on 30/10/2023 and 21/12/2023 to contact Building Standards to arrange convenient time for inspection. To date, there had been no response from applicant. Attempts were made to contact applicant by telephone on 08/01/2024 and 09/01/2024 however the calls were not taken and voice messages were left.

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.