

Public Document Pack



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

Town House,
ABERDEEN 20 February 2024

LICENSING SUB COMMITTEE

The Members of the **LICENSING SUB COMMITTEE** are requested to meet in **Committee Room 2 - Town House on WEDNESDAY, 28 FEBRUARY 2024 at 10.00 am.** This is a hybrid meeting and Members may also attend remotely.

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

JENNI LAWSON
INTERIM CHIEF OFFICER – GOVERNANCE (LEGAL)

B U S I N E S S

- 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) - 7 Jute Street (Pages 3 - 14)
- 4.2. Short Term Let (Existing Operator) - 22 Polmuir Gardens (Pages 15 - 36)
- 4.3. Short Term Let (Existing Operator) - 45 Queens Highlands (Pages 37 - 44)
- 4.4. Short Term Let (Existing Operator) - 54 Queens Highlands (Pages 45 - 52)
- 4.5. Short Term Let (Existing Operator) - 8 Albury Mansions (Pages 53 - 76)

- 4.6. Short Term Let (Existing Operator) - Flat F, 20 Riverside Drive (Pages 77 - 82)
- 4.7. Short Term Let (Existing Operator) - 54 Shaw Road (Pages 83 - 94)

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

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

REPRESENTATIONS/OBJECTIONS

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

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.
- 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.
- Planning Permission has been Granted for 2 people. The applicant has confirmed the Short Term Let application is for 2 guests.
- 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 Univer

Share Save



Entire apartment in Aberdeen City, United Kingdom

3 guests · 2 bedrooms · 2 beds · 1 bathroom



Guest favourite

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	

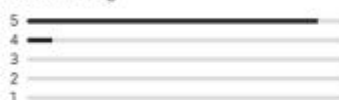
X

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.

The main listing area features a 'We Price Match' badge, a 'Travel Sustainable Level 2' icon, and a 'Reserve your apartment stay' button. The title is '2 DoubleBed Rooms Flat Aberdeen City, near University'. The address is '7 Jute Street, Aberdeen, AB24 3HD, United Kingdom - Excellent location - show map'. The rating is 'Superb 9.0' based on 40 reviews. A review snippet reads: '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...'. Other features include 'Free WiFi' (10 reviews) and 'Angunn' (Norway). A search sidebar on the left allows filtering by destination (Aberdeen), check-in/out dates, and number of guests (2 adults, 0 children, 1 room). A map shows the location near Aberdeen Beach and the Science Centre. The main image gallery includes a kitchen, a bedroom, and a living area, with a '+14 photos' link.

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LICENSING COMMITTEE INFORMATION SHEET

28 February 2024

Public Application

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

APPLICANT: KIRK HARRISON

PROPERTY MANAGER: RJH ACCOMMODATION LIMITED

ADDRESS: 22 POLMUIR GARDENS, ABERDEEN

INFORMATION NOTE

- Application Submitted 14/09/2023
- Determination Date 13/09/2024

This Short Term Let licence application is on the agenda of the Licensing Committee for the reason that 3 representations/objections were submitted to the Private Sector Housing Team.

If, after consideration of the representations/objections, the Committee is minded to grant the Short Term Let licence, it may do so 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 22 Polmuir Gardens, Aberdeen, is the subject of this new Short Term Let licence application and its accommodation comprises of a 1st Floor, Flatted Property, 3 bedrooms, open plan lounge/kitchen, bathroom, and bedroom en-suite. The applicant wishes to accommodate a maximum of 6 guests, which is acceptable in terms of space and layout. The location of the premises is shown on the plan attached as Appendix A.

CONSULTEES

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

REPRESENTATIONS/OBJECTIONS

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

- One objection letter from Stuart Hetherington (Attached as Appendix C)
- One objection letter from Douglas Finnie (Attached as Appendix D)
- Representation from RJH Accommodation (Attached as Appendix E)

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

COMMITTEE GUIDELINES/POLICY

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

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

GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

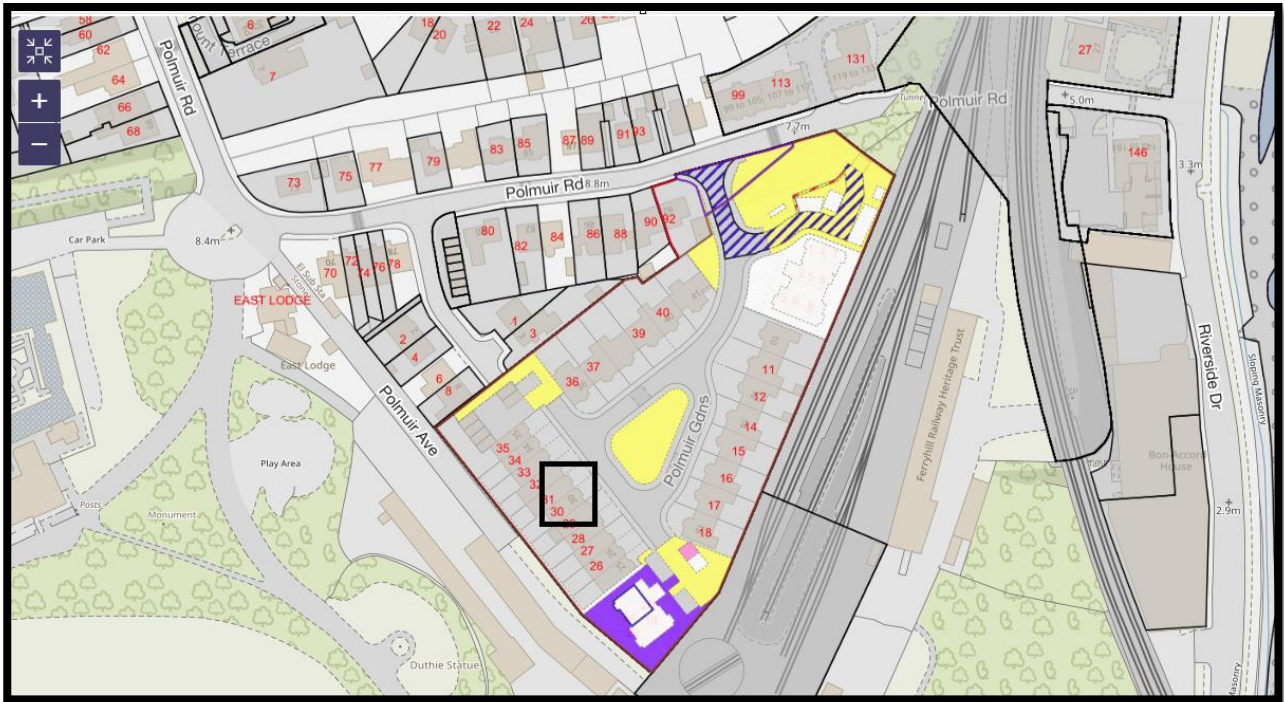
(v)public order or public safety; or

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

OTHER CONSIDERATIONS

- Landlord Registration is not a requirement of Short Term Let licensing.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints in respect of 22 Polmuir Gardens, Aberdeen.
- There are no Granted Short Term Let licenses at Polmuir Gardens, Aberdeen.
- Planning Permission is pending for 22 Polmuir Gardens, Aberdeen.
- Information within the Deed of Conditions is not a ground for refusing a Short Term Let licence within the legislation. Licensing cannot be used to enforce other legal issues and that would have to be enforced via other means.
- 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'



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

Dear Sir/ Madam,

Re: Short Term Let – 22 Polmuir Gardens

I wish to register my objection to the above Short Term Let Application. Having lived in the Polmuir Gardens Development for over 8 years, I have first hand knowledge and experience of the problems created by the short term lettings associated with this property.

Residents associated with this property have created an array of nuisance and disturbance incidents over recent years, including damage to communal areas and surrounding properties in the block, late night noise and disruption, litter and cigarette ends being discarded incorrectly, rubbish being dumped incorrectly and there are frequently commercial vehicles using the allocated parking spaces, in contravention of the Title Deeds of the development.

The development is popular with families and young children, having large commercial vehicles driving in and out of the development, frequently at inappropriately high speed, causes significantly increased risk of accidents, despite the addition of signage for drivers reminding them to use appropriate speed levels.

Regards

Richard Bryce

11th October 2023

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

Dear Sir/Madam

Ref: 22 Polmuir Gardens Short-Term Let Licence Application

I wish to formally object to Mr Kirk Harrison's application for a short term let licence at 22 Polmuir Gardens, Aberdeen, AB11 7WE.

I wish to bring to the council's attention several issues which have become a regular occurrence at block 19-24 Polmuir Gardens which are a result of short-term occupiers' reckless & inconsiderate behaviour.

Private Dwelling or Residence

Section 1.2 of the Polmuir Gardens title deeds state:

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

It is therefore my understanding that properties in the development are bound to whoever occupies the property must use it as their home rather than occupation from time to time. Under a short term let this wouldn't be the case and breaks the title deeds of the development.

Overnight Parking of Commercial Vehicles

Again, I would like to draw your attention to the Polmuir Gardens title deeds, this time section 1.7.

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

private motor cars and motor cycles shall be roadworthy, have a current MOT (if appropriate) and have a current road fund licence, if so required for such vehicle to be used on a public road.

The parking spot at number 22 Polmuir Gardens is routinely found to be occupied overnight by commercial vans on a near daily basis. Again, this is against the title deeds of the development. Furthermore, the development has had to shoulder the burden of repairs for light posts knocked down by long-wheel based commercial vehicles parking overnight at the blocked flatted community of 19-24 Polmuir Gardens on occasions. In addition, the parking of these long wheel-based vehicles also interferes with the parking provisions opposite belonging to houses 26 & 27 due to the protruding commercial vehicle into the common roadway. Campervans have also been seen during the summer months with individuals staying overnight associated with these rental flats. The parking provision available is simply not suitable for these large vehicles and causes difficulties for other residents using adjacent spaces. Furthermore, Polmuir Gardens is a residential area with a large number of children routinely playing in the common grassed areas of the development. Individuals driving large vans have in the past shown little consideration for the safety of children playing whilst in the Polmuir Garden development.

Smoking, Drugs & Discard of Cigarette Butts

I have observed on several occasions individuals associated with the offending overnight parked commercial vehicles at plot number 22, smoking outside the front door of the blocked flatted community of 19-24 Polmuir Gardens. Whilst smoking outside isn't illegal sometimes the substances being smoked are of the illegal drugs variety. In addition, the discarding of cigarette butts around the communal grassed areas once individuals have finished is also unacceptable and shows a total disregard and lack of respect for the residents of the block as well as the wider Polmuir Gardens community.

Fly Tipping

On occasion I have noticed and been made aware by other residents of occurrences of large items not disposed of correctly and left discarded outside the front door of the block of flats and outside the bin shed of the block of flats 19-24. The most recent occurrence being the failure to dispose of packaging for new furniture belonging to another flat which is also known to have short-term staying guests. Again, other residents are left to tidy up or report the issue with the development factor for removal which adds a cost to the development when the offending property hasn't taken appropriate care disposing rubbish.

Fire Safety Concerns

In the early hours of 6th April 2022 several residents were woken to find 3 fire engines in attendance at a fire in one of the rental properties in block 19-24. I'm told that there were found to be 8 individuals staying overnight at the property when the fire broke out.

In addition, as a member of the resident's association I was made aware of road traffic cones and signs had been found within the block 19-24 just recently and found to be obstructing access and egress from the building main door. This hi-jinx spirit from occasional renters is clearly dangerous to all occupiers should a fire to happen again.

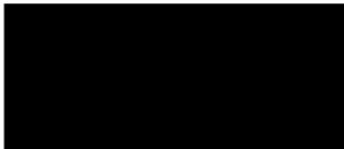
Furthermore, the offending items have been then left behind by the individuals and the burden of disposing the offending items again left with the development to pick up the costs.

With a short-term let there is no way of vetting, verifying & enforcing the number of guests staying, the conduct and behaviour of guests staying overnight nor the adherence to appropriate fire safety rules for the benefit of all persons who live in the block not just those who stay at property number 22.

Given the reasons outlined I wish to strongly object to any consent for a short-term licence within the Polmuir Gardens development. The development is a residential area with many families looking for a safe and pleasant area to live. With the current issues the development faces from the small number of rental flats at block of flats 19-24 already I do not see how that situation would be improved with the adoption of short term lets. With a short-term let there is simply no way of vetting, verifying & enforcing the conduct and behaviour of guests staying overnight and ensuring no disturbance to any other proprietors of the development.

Long-term tenants are the only option in this case with suitable means to curb & control antisocial behaviour whenever it occurs. Furthermore, there are several hotels & B&Bs nearby better equipped with onsite staff to cater for any short-term accommodation needs in the area.

Kind regards



Stuart Hetherington

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



11 05/10/23

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

Dear Sir/ Madam,

Re.: 22 Polmuir Gardens Short Term Let Licence Application

I am writing to formally object to the Short Term Let Licence application made on 15/09/23 by Mr Kirk Harrison in relation to the property 22 Polmuir Gardens, Aberdeen, AB11 7WE.

The reasons for my objections are due to anti-social behaviour and conduct that is in contravention of the Polmuir Gardens Title Deeds that each owner signed up to when they purchased their property.

Title Deed Contravention

Part 1A, "Restrictions of Use" of the Polmuir Gardens Title Deed states:

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

Where;

"Dwellinghouse" means a dwellinghouse (whether detached, semi-detached, terraced, a Flat or otherwise) and ancillary buildings (including any garage, carport or outhouse) erected or to be erected within the Development and conveyed by Disposition to a Proprietor.

Fundamentally, allowing a short term let license for this property contravenes this restriction of use as the property is effectively a "hospitality business" with potentially a very high turnover of customers and not being used as a private dwellinghouse as stipulated in the Polmuir Gardens Development Title Deed.

Anti-Social Behaviour

Part 1A, "Restrictions of Use" of the Polmuir Gardens Title Deed states:

1.5 Nothing shall be done on any Plot which may be deemed a nuisance or occasion disturbance to any other Proprietor.

As a member of the Residents Association Committee, I am aware that there has been a history of nuisance noise issues and disturbance in the block 19-24 Polmuir Gardens which has caused distress to other Owners. These issues are reported as emanating from the shorter-term occupants in the block. Additionally, on the 8th September 2023 it was reported that two traffic cones were found on the inside of the front door of block 19-24 Polmuir Gardens following a Friday night. Not only was this an act of theft but it is now left to the Development to sort it out and any costs that may be incurred.

I, myself, was woken up at 3am on 6th April 2022 by the sound and lights from three fire engines and an ambulance who were called to one of the rental properties in this block due to the incidence of a fire. This was obviously very alarming and disturbing and could have been very dangerous not only to the occupants of the originating property but also to the residents of the rest of the block.

Other Owners have recently reported large items of rubbish left irresponsibly and the smoking of illegal drugs in the block 19-24 Polmuir Gardens also understood to have been perpetrated by short term inhabitants. The latter is particularly disturbing as it was discovered by the smell at an Owner's house some distance away. The Polmuir Gardens Development has many families with children living in it and therefore such obvious and open use of illegal drugs is not desirable or acceptable.

By nature, it is inevitable that some short term let occupants will not demonstrate respectful and responsible behaviours to neighbours, property, and neighbouring properties during their stay. It is therefore not practical that section 1.5 will be met effectively to the satisfaction of all the other residents of the Development with consideration of a higher turnover of people coming and going from properties in the block.

Parking of Commercial Vehicles

Part 1A, "Restrictions of Use" of the Polmuir Gardens Title Deed states:

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

the Development and that such private motor cars and motor cycles shall be roadworthy, have a current MOT (if appropriate) and have a current road fund licence, if so required for such vehicle to be used on a public road.

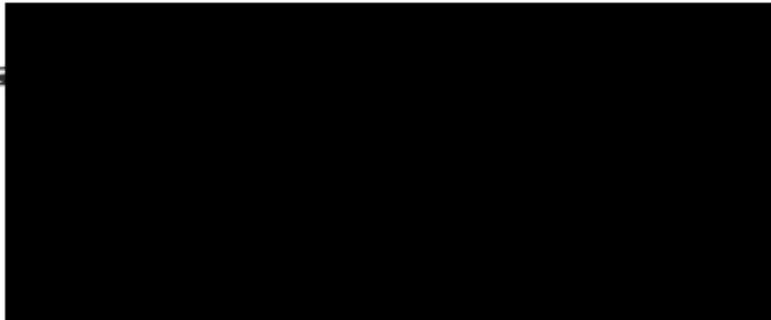
There is already a significant problem with several commercial vehicles being routinely parked at the parking area designated for the block 19-24 Polmuir Gardens by occupants of the shorter term let properties within that block. This not only contravenes the Title Deed but there have also been repeated instances of damage to the light bollards at that parking area. This damage must be rectified and paid for by the other residents of the block which is simply not fair. The parking spaces and surrounding area are intended for cars and motorcycles and not large commercial vans which cannot manoeuvre safely within the area without frequent damage occurring. Increasing the potential frequency to even shorter term lets will only exacerbate this problem.

Based on the content stated above, my husband and I wish to vehemently object to the licence for a Short Term let at 22 Polmuir Gardens being granted as we see that it will be detrimental to the Polmuir Gardens Development and other residents. The Development already faces challenges from the existing shorter-term property lets in block 19-24 Polmuir Gardens and feel that allowing this licence would intensify those problems.

As a largely family orientated, and occupied, housing Development it is more appropriate for longer term residential lets to be allowed as for short term lets there is no control of who may stay and how they act when they do stay. It is the ordinary residents of the Development who suffer when anti-social behaviour incidents occur without recourse.

Yours faithfully,

DOUGLAS FINNIE



Responses to objections to short term let application for 22 Polmuir Gardens, Aberdeen

It is noted 4 objections have been lodged and out of these only one objector stays in the block of flats where number 22 is situated. It is submitted the use of 22 Polmuir Gardens, Aberdeen for short term lets does not affect the people who do not live in the block in any material way.

It is noted there is only one objector who lives in the same block, and he appears to have copied the objection submitted by the owners of 37 Polmuir Gardens and with a pen changed the house number, the date, then scored out the names at the bottom and added his own name instead.

Many 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 some of the points raised:

It should be said the objectors appear to be blaming any generally anti-social behaviour that has ever taken place within the whole development on the residents of number 22. This clearly is not the case. The owner of number 22 gets updates from the residents association that are always concerned about youths hanging around the development - see attach a letter from the factors. This letter was addressed to the whole development, and applicable to all owners and tenants. What these objectors have done is take general issues that are occurring across the whole development and attributed it to number 22 and any guests that have stayed there when there is absolutely no suggestion that guests from number 22 are to blame.

An example of a matter being attributed to number 22 by an objector, when clearly it wasn't anything to do with the guest staying there at the time, is found in the objection letter by the resident of number 37. They state on page 2 under the heading "Anti-Social Behaviour," "Additionally, on the 8th September 2023 it was reported that two traffic cones were found on the inside of the front door of block 19-24 Polmuir Gardens following a Friday night." A copy of the booking for Friday 8th September 23 and Saturday 9th September 23 is attached. The guest during this period was a family of 4, with one an infant, and a pet – not the sort of people likely to be going out at night, getting drunk and bringing traffic cones back.

Regarding smoking we make it clear to all our guests that smoking is not permitted and any problem with cigarette ends cannot be solely attributed to number 22. In this regard AM-PM Leasing have reported to the residents association on a number of occasions cannabis smoking taking place from other residents within the block.

Three of the objectors seem to make a big deal of an incident that occurred around 3.00am on the morning of 6th April 2022 as if this incident was somehow attributable to the property being used for short term lets. However, this was nothing more than the result of a faulty boiler which caught fire and absolutely nothing to do with the property being used for short term lets.

The guest staying at the time was a [REDACTED]. He was booked in for almost a month. On discovering the fault, he acted responsibly and telephoned the fire brigade immediately. He also emailed our office to report the incident – a copy of his email dated 6th April 2022 and sent at 3.45am is attached. The next day a contractor investigated, and a new boiler was ordered and fitted as soon as possible – a copy of the invoice for the replacement boiler is attached.

We don't have any record of these complaints/concerns from other homeowners, but we have always had a policy where we are more than happy to engage with our neighbours and allay any concerns that they may have.

It should be said 22 Polmuir Gardens, Aberdeen has been operating as a short term let for over 10 years.

Enclosures referred to:

1. Letter from factors
2. Booking for 8th and 9th September 2023
3. Email from Ben Lawson date 6th April 2022
4. Invoice for replacement boiler

Mr Kirk Harrison

17 October 2023

Your Account Number: [REDACTED]

Dear Mr Harrison

22 POLMUIR GARDENS, ABERDEEN

Following the AGM held 4th October 2023, James Gibb are writing to owners to follow up on the following issues raised.

Dog Fouling

There has been reports of dog fouling on the development. James Gibb cannot police the Deed of Condition, however we would like to bring the below Burden Sections to your attention

2.8 No dog is permitted on the Greenbelt Ground unless it is
(a) kept on a lead; and
(b) accompanied by a responsible person. No dog must be allowed to foul any part of the Greenbelt Ground.

It is an offence under the Dog Fouling (Scotland) Act for a person in charge of a dog to fail to remove and dispose of appropriately any excrement after the animal has fouled. The Act applies to all public places including common passages, back greens, stairs, and other similar areas.

Owners can report repeat offenders directly to Aberdeen City Council who will send one of their dog wardens' team to contact the owner. <https://www.aberdeencity.gov.uk/services/environment/dog-wardens/dog-fouling>

You may receive a Fixed Penalty Notice of £80 if you fail to clear up excrement after a dog under your control has fouled. The charge will rise to £100 if not paid within 28 days.

doing it the right way

Authorized and regulated by the Financial Conduct Authority for insurance mediation activities only.
James Gibb Residential Factors is a trading name of James Gibb Services Management Ltd.

☎ 0333 240 8325
✉ aberdeen@jamesgibb.co.uk



Parking

It was reported that there are vans parking regularly on the development. We would like to remind owners of the following burden contained within the title deed.

1.7 No power boats, marine craft, caravans, commercial vehicles or vehicles other than private motor cars, motor cycles or cycles shall be parked on any Plot or on any other part of the Development (save for the short term parking of tradesmen's vehicles or commercial vehicles in the ordinary course of their trade at any Plot) and provided always that any such private motor cars, motor cycles, cycles or vehicles shall not obstruct or prevent access to any part of the Development and that such private motor cars and motor cycles shall be roadworthy, have a current MOT (if appropriate) and have a current road fund licence, if so required for such vehicle to be used on a public road.

There have been a number of instances where the bollard lighting has been knocked over by large parking vehicles onsite. It is homeowner's responsibility to park within their allocated space and to report any damages caused to the development.


Visitor spaces are allocated throughout the development and these, as named, are specifically for visitors out with the development. Should homeowners/renters be parking within these allocated visitors' bays, it then leaves visitors no opportunity to utilise these spaces and therefore proceed to park elsewhere on the development.

Anti-Social Behaviour

There were several anti-social behaviour issues raised at the AGM.

Noise - We wish to remind all owners/tenants to be respectful of their neighbours particularly with regards to noise levels. Those who live in the blocks should also be mindful that the communal areas are shared and excess noise is causing a nuisance to fellow occupiers. The extract from the deed on this states the following:

1.5 Nothing shall be done on any Plot which may be deemed a nuisance or occasion disturbance to any other Proprietor.



Smoking - It was also reported that there is a significant smell of cannabis on the development.

We would remind owner/occupiers that reside in the blocks that the communal hall, hallways and stairwells are no smoking zones, and we would be obliged therefore if these remained smoke free areas. Smoking substances outside the blocks is also prohibited. The smoke from such behaviours is travelling to other properties on the development.

In the circumstances we should be obliged by those responsible to refrain from their current practice, not only in respect of safety but out of consideration for your neighbours.

Owners who wish to report these anti-social behaviours can report this to Community Safety Team teams at Aberdeen City Council - you can call the Community Safety team on 0800 05 10 434 during the following hours: Monday – Thursday, 9am – 10pm. Friday – Sunday, 9am.


Fly Tipping – There have been several occasions when large items are being left in the communal bin areas of the blocks and on occasion items left in communal hallways and in the communal gardens. We wish to remind occupiers that the bin stores should only be used for the disposal of general waste and recycling in the bins provided. Any additional items must be disposed of by owners directly at waste disposal centres. Any items left in the bin stores will be removed by James Gibb and charges will be applied to all owners of the blocks unless the property can be identified and the charge will be applied solely to the property.

We would be obliged if any non-resident owners would pass this letter on to their tenant/letting agent.

For those owners who lease on short term leases we ask you to ensure that communal etiquette is communicated to your renters as part of your booking process to ensure harmonious living for all on the development.

We trust you find the above in order and thank you for your co-operation in these matters.

Yours sincerely


Development Manager



This is a Airbnb booking. As such, the Airbnb version of the booking is the master copy. It can still be edited here but this will not have any effect on the original. The "Airbnb" button below will show the booking details as confirmed via Airbnb to the customer.

- Manage
- FabPay
- Summary
- Registration
- airbnb

Names in red are not assigned. Click customer name or 'Assign' to assign them.

Unit Summary [Add A Unit](#)

Unit Description	Assigned Occupancy	Arrival Date	Nights	Names	Unit Cost	
Orange Apartments Polmuir Garden Self Catering	Assign 2 Adults 1 Child 1 Infant	Fri 8 Sep 23	2 nt	[Redacted]		Modify Cancel

Extras
None Selected [Modify](#)

One-off Extras [Modify](#)

Name	Description	Per-item Cost	Total Cost	VAT Rate
Pet	1 Pet	[Redacted]		default

Booked By [Modify](#)
Name: [Redacted]
Phone: [Redacted]
Email: [Redacted]

All Guest Names [Assigned](#) [Modify](#)
Orange Apartments Polmuir Garden: David Clark -

Additional Information [Modify](#)
Requests: None
Cleaning Notes: None
Check In Time: Unknown
Check Out Time: Unknown
Booking Data: Birth Date: 3rd Sep 2023 10:27:54 Source: Airbnb Reference: [Redacted]

Language [Modify](#)
Booking Language: English

Duncan

From: Kelly Harrison
 Sent: 24 January 2024 15:00
 To: Duncan
 Subject: Fw: 22 Polmuir Gardens

From: [Redacted]
 Sent: 06 April 2022 03:45
 To: Kelly Harrison [Redacted]
 Subject: Re: 22 Polmuir Gardens

Hi Kelly, we've had to have the fire brigade out at 3am this morning as something had set on fire on the boiler. The fire brigade have cleared us to come back in and isolated the boiler ready for an engineer to have a look at it. If you give me a call tomorrow, I will have a chat with you. [Redacted]



PlumbNation

INVOICE NO: [REDACTED] DATE: 15/04/2022

CUSTOMER DETAILS: Kirk Harrison [REDACTED]	DELIVERY DETAILS: Kirk Harrison [REDACTED]
---	---

Product	Quantity	Price	Subtotal
PlumbNation Express			
Heatrae Sadia Electromax 9kW Electric Flow Boiler 95022236	1	[REDACTED]	[REDACTED]
Choose Your Delivery Date Due for delivery: 19/04/2022			[REDACTED]
		Product Total:	[REDACTED]
Shipping			
United Kingdom		Shipping Total:	[REDACTED]
Order Total			
		VAT @ 20%:	[REDACTED]
		Grand Total:	[REDACTED]

PlumbNation Limited, Unit 5 Woodway Court, Thursby Road, Bromborough, Wirral, CH62 3PR
Tel: 0333 202 5988
www.plumbnation.co.uk info@plumbnation.co.uk
Registered in England & Wales, Company Reg No 6216887, Vat No 331 0384 44

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 therefor less.
4. The properties are cleaned weekly and cleaned after a guest checks out. Many long term tenants will also have professional cleaners visiting their property on a regular basis. Our housekeepers will also clean communal areas if required, for example, if our housekeepers see litter or areas that require cleaning in communal areas they will attend to it to improve the guests experience. From experience long term tenants rarely if ever assist with cleaning communal areas.
5. An anti-social long-term tenant is extremely difficult to evict and can take years whereas a tenant on a short term let can be removed by us immediately. The U.K Governments Anti-Social Action Plan published in 2023 states: "One in three landlords who have ended a tenancy report that they did so because their tenant engaged in antisocial behaviour. Nuisance, criminal and abusive behaviour which impacts people at home is both disrespectful and unacceptable." It can be seen anti-social behaviour among long term tenants is commonplace and the process to evict an anti-social tenant is costly and can take months, sometimes years, and meantime other residents will have to put up with the anti-social behaviour. A copy of the report is attached.
6. No bookings are taken from anyone with an Aberdeen address. This helps eliminate bookings from people who are not genuinely here for business or on holiday.
7. No one night bookings are taken. Again, this helps eliminate bookings from people who are not genuinely here for work or on holiday.
8. A £200 refundable damages deposit is taken and a damages form is signed by every guest. Again, these measures eliminate bookings from people who are not genuinely here for work or on holiday and eradicates anti-social behaviour as the guest can lose their full deposit.
9. All tenants are vetted. We insist on getting photographic ID such as a passport or drivers licence and a matching credit or debit card.
10. We do not allow bookings from anyone under the age of 21.
11. We attach a copy of our terms and conditions which are signed by every guest prior to checking in. It can be seen there is no smoking, no parties or events of any kind and quiet hours from 9pm to 8am. If there is any breach of these conditions, we will remove the guest

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

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

NO SMOKING

NO PARTIES OR EVENTS OF ANY KIND

QUIET HOURS FROM 9PM TO 8AM

NO PETS

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

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

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LICENSING COMMITTEE INFORMATION SHEET

28 February 2024

Public Application

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

APPLICANT: DAVID LAKIN

PROPERTY MANAGER: HOWBURN RESIDENCE LIMITED

ADDRESS: 45 QUEENS HIGHLANDS, 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 1 representation/objection was submitted to the Private Sector Housing Team.

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

DESCRIPTION

The property at 45 Queens Highlands, Aberdeen, is the subject of this new Short Term Let licence application and its accommodation comprises a 4th floor flatted property, 2 bedrooms, open plan lounge/kitchen, bathroom, and bedroom en-suite. The applicant wishes to accommodate a maximum of 4 guests, which is acceptable in terms of space and layout. The location of the premises is shown on the plan attached as Appendix A.

CONSULTEES

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

REPRESENTATIONS/OBJECTIONS

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

- Representation from Ledingham Chalmers (Attached as Appendix C)

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

COMMITTEE GUIDELINES/POLICY

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

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

GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

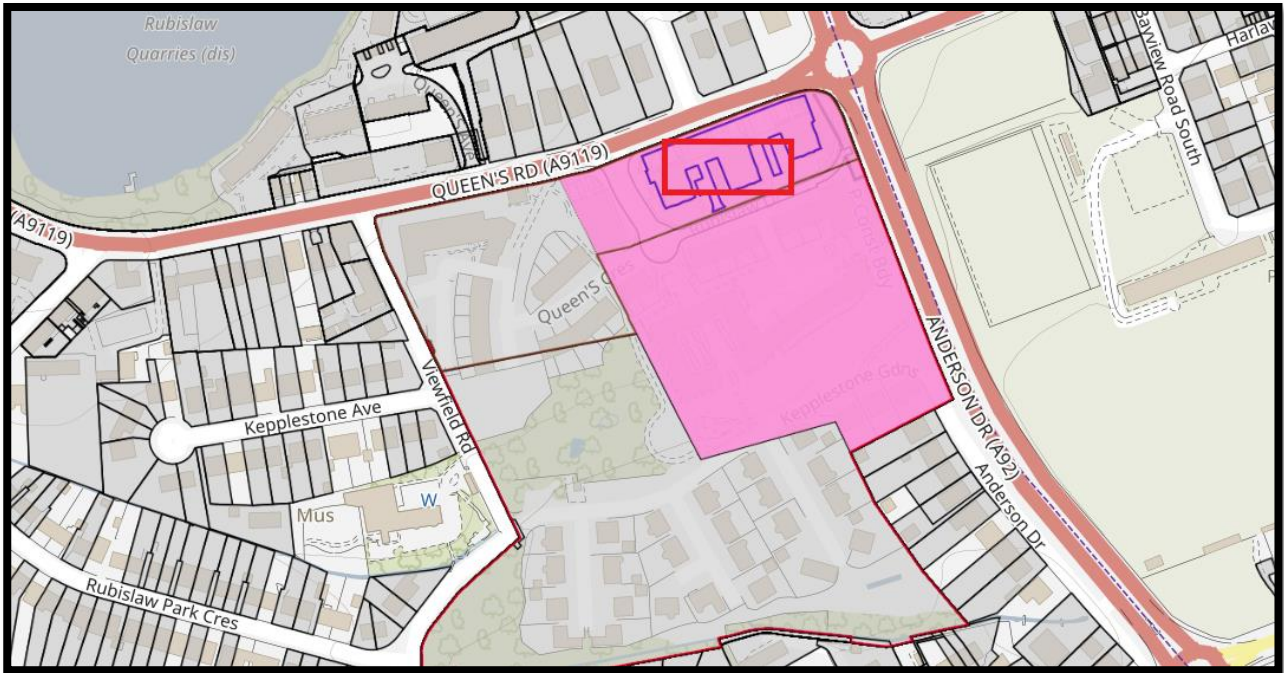
(v)public order or public safety; or

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

OTHER CONSIDERATIONS

- Landlord Registration is not a requirement of Short Term Let licensing.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints in respect of 45 Queens Highlands, Aberdeen.
- There are no Granted Short Term Let licenses at Queens Highlands Aberdeen.
- A lockbox/key box is not a requirement of a Short Term Let licence. Permission from owners within the building is a requirement before installation of a lockbox/key box within a communal area.
- 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: Alister Fair
Sent: Tuesday, October 10, 2023 6:37 AM
To: privatehousing <privatehousing@aberdeencity.gov.uk>
Subject: Objection to License for Short Term Let at Queen's Highland, Aberdeen

Dear Sirs,

I write with reference to the above. I am a long term renter in ■ Queens Highlands. There were two notices about an application for short term license, tied to lamp posts, that have since blown away.

I object to the application for short term license on the following grounds.

1. Strategic Housing & Economic Policy

a. I imagine there is excess hotel capacity in Aberdeen. It would surely be better for the city and its economy if this excess capacity is used.

b. Due to substantial repairs at my property (■) - wet rot, structural and roof repairs - I am a long term renter at Queens Highland. Through no fault of my own, these repairs have taken in excess of 12 months and I am now paying 2 sets of council tax and empty property charge. Surely the council should apply the same principle to the property owners applying for short term let licenses. They should be given empty property charge and their license application refused.

c. It appears that the council is prioritizing the needs of Buy to Let investors over renters and live in owners. The council shouldn't provide a means for buy to let investors to always make money.

d. If their Buy to Let investment isn't profitable the council policy should be to encourage these properties to be sold and this stock move to those who need it.

e. Judging by how few lights are on at Kepplestone Manor - is the occupancy rate 20%? - there doesn't seem to be a need for additional short term accommodation in Aberdeen. It would be a better policy for these properties to be sold.

2. Rights of existing owners and residents.

a. Short term lets often attract a party crowd. Late night Parties and loud music are common. That is obvious in other blocks in Queens Highlands. The live in owners & long term residents of Queens Highland include many retired couples - some in poor health and young families. It's currently a quiet, peaceful place to live. Short term let's fundamentally change the character of a residence. Long term residents and live in owners have the rights to keep the ambiance of their block unchanged.

b. Security is fundamentally compromised. It is an extremely quiet and safe place to live. Short term lets will presumably mean key lock boxes. If the licenses are approved, the key fobs will pass through the hands of tens if not hundreds of people a year. The fobs can be copied, lost, stolen. The car park and residence becomes much less safe, with the risk of theft, burglary, vandalism becoming much more likely.

c. Bed bugs. According to recent reports, there is a bed bug epidemic in Paris. As I understand it, they can easily pass from property to property in apartment blocks. Short term lets will substantially increase the risk to residents of a bed bug infestation.

Therefore I wish to object to the application for short term lets at Queens Highlands.

Regards,
Alister

From: David Scott
Sent: 20 October 2023 11:36
To: 'privatehousing@aberdeencity.gov.uk' <privatehousing@aberdeencity.gov.uk>
Cc: David Lakin - Howburn Residences
Subject: FW: Response to objection to Licence for Short Term Let at Queen's Highland, Aberdeen [LC-LIVE.83228.0002]

Attn Jocelyn Janssen

Good morning

We have received notice of the objection to the applications for Short Term Let licences at [REDACTED], 45, 54 Queens Highland, Queen's Road, Aberdeen.

We act for the applicants in respect of these four applications (David Lakin - flat 45, Christine Lakin – Flats [REDACTED] and 54, and [REDACTED]).

Our clients have asked us to provide an initial response to the Council in the hope that the objection can be dismissed as not relevant, and thus avoiding the need for the applications to go to committee.

Section 4.30 of the Short term lets - licensing scheme part 2: supplementary guidance for licensing authorities requires each objection to specify the grounds of objection, and objections not related to valid grounds for refusal will not be taken into consideration.

It is our view that the objection does not relate to any valid grounds for refusal. Looking at each of these: -

1. Strategic Housing & Economic Policy

- a. excess hotel capacity – **this is not a relevant consideration. There is no question of overprovision as part of the legislation.**
- b. Council Tax penalties - **this is not a relevant consideration as part of a licence application. This is a matter for local / national government.**
- c. prioritizing the needs of Buy to Let investors – **this is not a relevant consideration. The Short Term Let licensing scheme has been introduced and applications are to be determined in accordance with the regulations**
- d. Sale of unprofitable housing - **this is not a relevant consideration. The outcome of the introduction of the STL scheme may be that some properties are sold. However applications must be determined in accordance with the regulations.**
- e. occupancy rate and demand. **this is not a relevant consideration. However our clients have operated short term lets from these four properties for many years, clearly evidencing demand. Many are let 365 days a year.**

2. Rights of existing owners and residents.

- a. STLs attracting party crowds. **This is a sweeping statement and not directed at the properties which are subject to the application. There is no evidence of party crowds within the property. On the contrary, these properties are rented to the business market in Aberdeen, generally to oil companies on longer term contracts. There is no evidence of any antisocial or disruptive behaviour from these properties.**

The objector acknowledges “It’s currently a quiet, peaceful place to live” –Our clients have operated STL’s since 2006 / 2010 in these flats. The objector’s position is therefore contradictory. It is clearly a general statement, rather than an objection targeted at these properties and as such, is not a reason for refusal under the regulations.

b. Security is fundamentally compromised. This is a sweeping statement and not directed at the properties which are subject to the application Our clients do not operate external key boxes. All occupiers are vetted by our clients or their managing agents, with ID provided in all circumstances. Many occupiers are long term residents. There is no enhanced issue with security. It is clearly a general statement, rather than an objection targeted at these properties and as such, is not a reason for refusal under the regulations.

c. Bed bugs. This is a sweeping statement and not directed at the properties which are subject to the application. It is not a reason for refusal under the regulations, and has no relevance.

An application can only be refused if the premises are 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

The objector has provided no specific comments in relation to these properties other than sweeping statements about STLs in general. They have provided no evidence to back up their statements. It is open to serial objectors to submit such comments in relation to every STL application across the country, requiring every application to go to committee. The purpose of Section 4.30 of the Short term lets - licensing scheme – is to enable local authorities to dismiss such spurious objections.

There is nothing in the objections from Mr Fair that is directed specifically at these properties, and we would ask that the Council disregard these for the purposes of the applications, such that they can proceed without the need to go to committee.

I look forward to hearing from you

Kind regards

David

LICENSING COMMITTEE INFORMATION SHEET

28 February 2024

Public Application

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

APPLICANT: CHRISTINE LAKIN

PROPERTY MANAGER: HOWBURN RESIDENCE LIMITED

ADDRESS: 54 QUEENS HIGHLANDS, 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 1 representation/objection was submitted to the Private Sector Housing Team.

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

DESCRIPTION

The property at 54 Queens Highlands, Aberdeen, is the subject of this new Short Term Let licence application and its accommodation comprises 6th & 7th Floor, flatted property, 3 bedrooms, open plan lounge/kitchen, shower room, and bedroom en-suite. The applicant wishes to accommodate a maximum of 4 guests, which is acceptable in terms of space and layout. The location of the premises is shown on the plan attached as Appendix A.

CONSULTEES

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

REPRESENTATIONS/OBJECTIONS

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

- Representation from Ledingham Chalmers (Attached as Appendix C)

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

COMMITTEE GUIDELINES/POLICY

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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

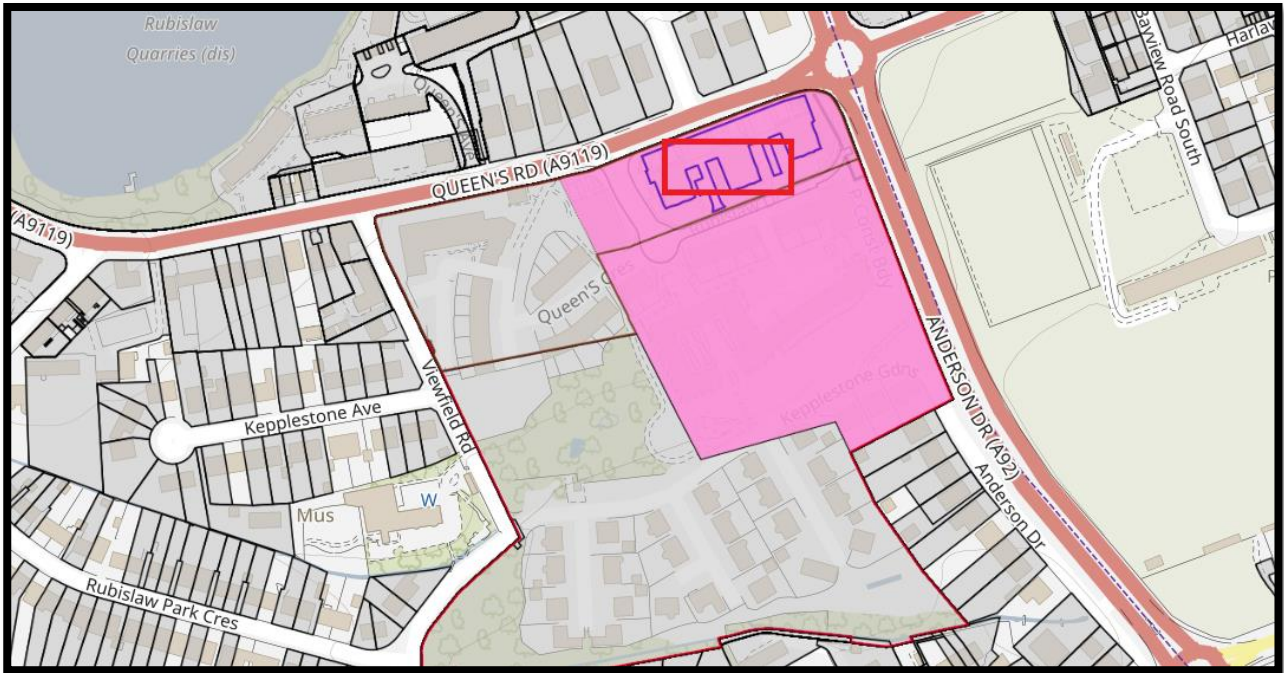
(v)public order or public safety; or

(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 Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints in respect of 54 Queens Highlands, Aberdeen.
- There are no Granted Short Term Let licenses at Queens Highlands Aberdeen.
- A lockbox/key box is not a requirement of a Short Term Let licence. Permission from owners within the building is a requirement before installation of a lockbox/key box within a communal area.
- 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'

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Sent: Tuesday, October 10, 2023 6:37 AM
To: privatehousing <privatehousing@aberdeencity.gov.uk>
Subject: Objection to License for Short Term Let at Queen's Highland, Aberdeen

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I object to the application for short term license on the following grounds.

1. Strategic Housing & Economic Policy

a. I imagine there is excess hotel capacity in Aberdeen. It would surely be better for the city and its economy if this excess capacity is used.

b. Due to substantial repairs at my property (■) - wet rot, structural and roof repairs - I am a long term renter at Queens Highland. Through no fault of my own, these repairs have taken in excess of 12 months and I am now paying 2 sets of council tax and empty property charge. Surely the council should apply the same principle to the property owners applying for short term let licenses. They should be given empty property charge and their license application refused.

c. It appears that the council is prioritizing the needs of Buy to Let investors over renters and live in owners. The council shouldn't provide a means for buy to let investors to always make money.

d. If their Buy to Let investment isn't profitable the council policy should be to encourage these properties to be sold and this stock move to those who need it.

e. Judging by how few lights are on at Kepplestone Manor - is the occupancy rate 20%? - there doesn't seem to be a need for additional short term accommodation in Aberdeen. It would be a better policy for these properties to be sold.

2. Rights of existing owners and residents.

a. Short term lets often attract a party crowd. Late night Parties and loud music are common. That is obvious in other blocks in Queens Highlands. The live in owners & long term residents of Queens Highland include many retired couples - some in poor health and young families. It's currently a quiet, peaceful place to live. Short term let's fundamentally change the character of a residence. Long term residents and live in owners have the rights to keep the ambiance of their block unchanged.

b. Security is fundamentally compromised. It is an extremely quiet and safe place to live. Short term lets will presumably mean key lock boxes. If the licenses are approved, the key fobs will pass through the hands of tens if not hundreds of people a year. The fobs can be copied, lost, stolen. The car park and residence becomes much less safe, with the risk of theft, burglary, vandalism becoming much more likely.

c. Bed bugs. According to recent reports, there is a bed bug epidemic in Paris. As I understand it, they can easily pass from property to property in apartment blocks. Short term lets will substantially increase the risk to residents of a bed bug infestation.

Therefore I wish to object to the application for short term lets at Queens Highlands.

Regards,
Alister

From: David Scott
Sent: 20 October 2023 11:36
To: 'privatehousing@aberdeencity.gov.uk' <privatehousing@aberdeencity.gov.uk>
Cc: David Lakin - Howburn Residences
Subject: FW: Response to objection to Licence for Short Term Let at Queen's Highland, Aberdeen [LC-LIVE.83228.0002]

Attn Jocelyn Janssen

Good morning

We have received notice of the objection to the applications for Short Term Let licences at [REDACTED], 45, 54 Queens Highland, Queen's Road, Aberdeen.

We act for the applicants in respect of these four applications (David Lakin - flat 45, Christine Lakin – Flats [REDACTED] and 54, and [REDACTED]).

Our clients have asked us to provide an initial response to the Council in the hope that the objection can be dismissed as not relevant, and thus avoiding the need for the applications to go to committee.

Section 4.30 of the Short term lets - licensing scheme part 2: supplementary guidance for licensing authorities requires each objection to specify the grounds of objection, and objections not related to valid grounds for refusal will not be taken into consideration.

It is our view that the objection does not relate to any valid grounds for refusal. Looking at each of these: -

1. Strategic Housing & Economic Policy

a. excess hotel capacity – **this is not a relevant consideration. There is no question of overprovision as part of the legislation.**

b. Council Tax penalties - **this is not a relevant consideration as part of a licence application. This is a matter for local / national government.**

c. prioritizing the needs of Buy to Let investors – **this is not a relevant consideration. The Short Term Let licensing scheme has been introduced and applications are to be determined in accordance with the regulations**

d. Sale of unprofitable housing - **this is not a relevant consideration. The outcome of the introduction of the STL scheme may be that some properties are sold. However applications must be determined in accordance with the regulations.**

e. occupancy rate and demand. **this is not a relevant consideration. However our clients have operated short term lets from these four properties for many years, clearly evidencing demand. Many are let 365 days a year.**

2. Rights of existing owners and residents.

a. STLs attracting party crowds. **This is a sweeping statement and not directed at the properties which are subject to the application. There is no evidence of party crowds within the property. On the contrary, these properties are rented to the business market in Aberdeen, generally to oil companies on longer term contracts. There is no evidence of any antisocial or disruptive behaviour from these properties.**

The objector acknowledges “It’s currently a quiet, peaceful place to live” –Our clients have operated STL’s since 2006 / 2010 in these flats. The objector’s position is therefore contradictory. It is clearly a general statement, rather than an objection targeted at these properties and as such, is not a reason for refusal under the regulations.

b. Security is fundamentally compromised. This is a sweeping statement and not directed at the properties which are subject to the application Our clients do not operate external key boxes. All occupiers are vetted by our clients or their managing agents, with ID provided in all circumstances. Many occupiers are long term residents. There is no enhanced issue with security. It is clearly a general statement, rather than an objection targeted at these properties and as such, is not a reason for refusal under the regulations.

c. Bed bugs. This is a sweeping statement and not directed at the properties which are subject to the application. It is not a reason for refusal under the regulations, and has no relevance.

An application can only be refused if the premises are 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

The objector has provided no specific comments in relation to these properties other than sweeping statements about STLs in general. They have provided no evidence to back up their statements. It is open to serial objectors to submit such comments in relation to every STL application across the country, requiring every application to go to committee. The purpose of Section 4.30 of the Short term lets - licensing scheme – is to enable local authorities to dismiss such spurious objections.

There is nothing in the objections from Mr Fair that is directed specifically at these properties, and we would ask that the Council disregard these for the purposes of the applications, such that they can proceed without the need to go to committee.

I look forward to hearing from you

Kind regards

David

LICENSING COMMITTEE INFORMATION SHEET

28 February 2024

Public Application

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

APPLICANT: ISABEL RENNIE

PROPERTY MANAGER: THISTLE APARTMENTS LIMITED

ADDRESS: 8 ALBURY MANSIONS, ABERDEEN

INFORMATION NOTE

- Application Submitted 22/09/2023
- Determination Date 21/09/2024

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

If, after consideration of the representations/objections, the Committee is minded to grant the Short Term Let licence, it may do so since at the time of drafting this report, the necessary upgrading works and certification have been completed.

DESCRIPTION

The property at 8 Albury Mansions, Aberdeen, is the subject of this new Short Term Let licence application and its accommodation comprises 2 bedrooms, one en-suite shower room, lounge/kitchen 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 – Planning Permission Granted
- One objection letter from R.Sharp (Attached as Appendix B)
- One objection letter from Aileen Taylor (Attached as Appendix C)

- One objection letter from Annabel Dawson (Attached as Appendix D)
- One objection letter from David Robertson (Attached as Appendix E)
- One objection letter from Linda Third (Attached as Appendix F)
- Representation from Thistle Apartments (Attached as Appendix G)

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

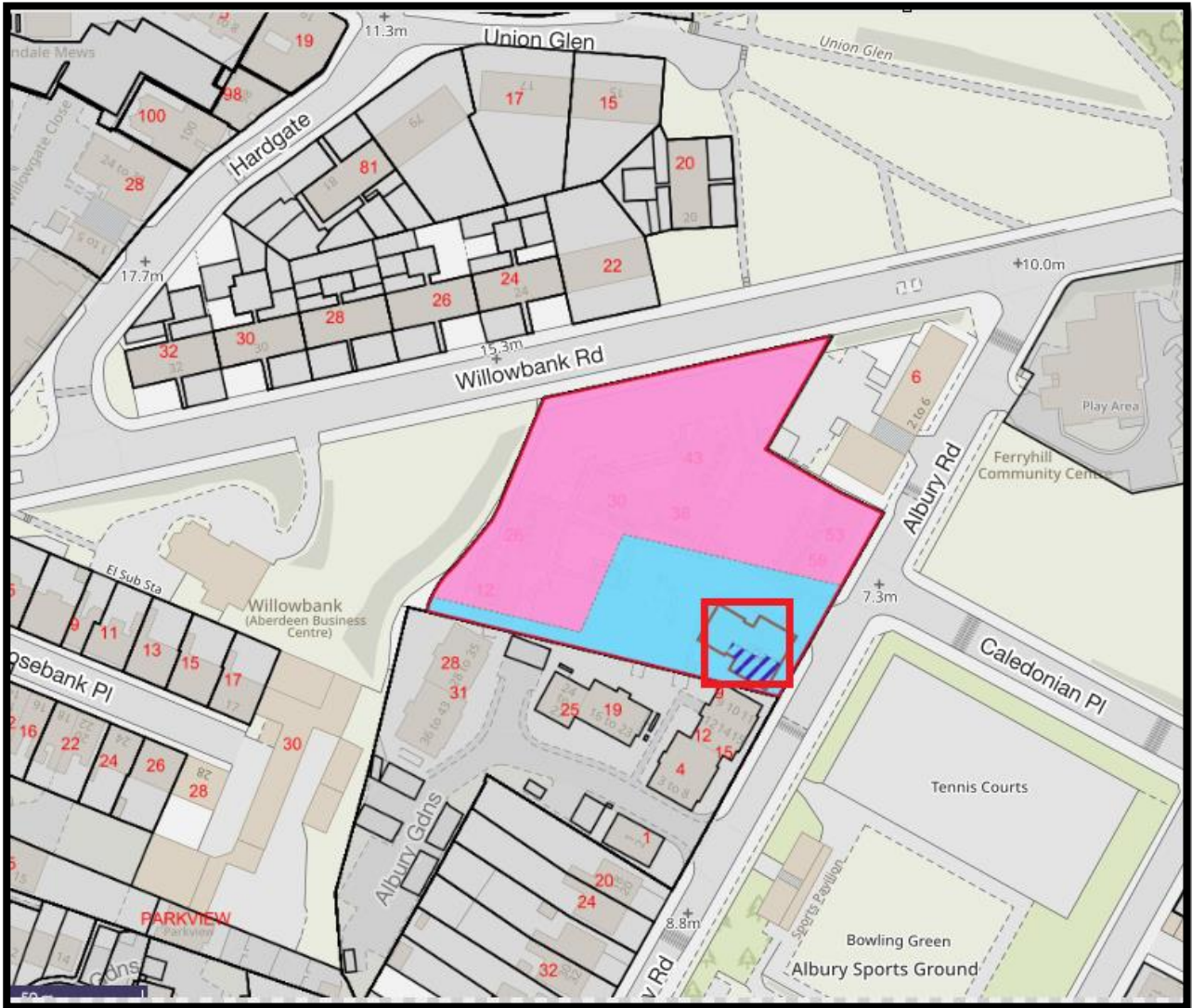
(v)public order or public safety; or

(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 Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints in respect of 8 Albury Mansions, Aberdeen.
- There are no Granted Short Term Let licenses at Albury Mansions, Aberdeen.
- The applicant was instructed to re-display the public Notice of Display on a lamppost near the premises from 17 October 2023 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.
- 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'



[REDACTED]
Aberdeen

AB11 6TJ

Monday 16th October

Private Sector Housing Team
Early Intervention and Community Empowerment
Hub 11, 2nd Floor West, Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Sirs,

Objection in relation to Application Reference: HSTL548956533

I write in relation to the above application for consideration of a Short Term Let licence being granted for No. 8 Albury Mansions, Aberdeen, AB11 6TJ.

I wish to lodge an objection to this application on the following grounds:

1. Contravention of established Deed of Conditions for the development

Albury Mansions, which was established in 1997, has a legally binding, owner enforceable Deed of Conditions governing the use of the development which places clear obligations, responsibilities, and specific prohibitions upon owners including, but not limited to, the following:

- i) Properties are to be used as private dwellinghouses only and for no other purpose
 - ii) Properties should not be used as a place of business
 - iii) Properties should not be occupied by more than one family at a time
-

It is my view that no Short Term Let licence should be granted where it would enable a circumvention or contravention of legally binding conditions upon owners in the development that have been carefully established for the good of all owners and for the protection of the development against a material change (which a STL is) that would harm the intended use, purpose and enjoyment of the development for the owners and the surrounding community. The contractual rights of all owners should be respected.

2. Amenity and Enjoyment of Property

Short Term Let arrangements, by their nature, have the very real potential of impacting the following aspects of the development which are of concern:

- i) Noise, traffic and disturbance within the development and within the relevant block;
- ii) Disproportionate use of development parking facilities – especially if there are multiple occupants (as is likely to be the case);
- iii) Additional wear and tear on development communal areas resulting in higher factoring fees to other owners.

There have been notable examples of these concerns already during previous rentals of this property prior to this STL application.

3. Security

The development security relies upon restricted, gated parking and common security entrance key and electronic codes to blocks. Having parking key fobs and door entry keys and codes being made available to potentially dozens of different people with no restrictions on their potential future use is a real concern. The development has already suffered significant concerns in the past where previous residents continue to use the parking facility after their let tenure and the security of the development would be inherently negatively affected by any STL arrangement being granted.

4. Precedent

Albury Mansions was intended to be, and is, a quiet, residential, private dwelling development. The granting of this application would set an unwelcome and dangerous precedent for the development and the surrounding area, potentially turning Albury Mansions into yet another hotel style development or transient air b and b arrangement which, in my opinion, would negatively affect the intended purpose of the development, adversely impact the property prices in the development and the surrounding Albury Road vicinity and end up spoiling the amenity and enjoyment of what the development was intended to be. For these reasons, Short Term Let arrangements within the development should be discouraged.

Your Sincerely,

A solid black rectangular box used to redact the signature of R. Sharp.

R. Sharp

'C'

1.
To:
Private Sector Housing Team,
Early Intervention & Community
Empowerment, Hub 11,
2nd Floor West, Marischal
College, Broad St. Aberdeen,
AB10 1AB.
From:
[REDACTED]
Aberdeen,
AB11 6TJ.
18.10.2023
Dear Sirs,

Application Ref: HSTL548956533

Application for Short Term let licence at
8 Albury Mansions, Aberdeen, AB11 6TJ

I refer to the above application and object
to the granting of the licence on the
following grounds: -

Title Conditions

1. The property is a flat in a Development
of residential flatbed dwellings in a
residential area of the city, close to properties
in the Ferryhill conservation area. The
Development is subject to a common scheme
by virtue of the same Deed of Conditions

2.

(contained within each owners' title/land Certificate).

The Deed of Conditions states, amongst other things, that "The flatted dwellings in the Development shall be used as private dwellings only and for no other purpose whatsoever", "shall never in any way be subdivided or occupied by more than one family at a time", "prohibited from carrying on from the flatted dwellinghouse any trade, business, 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 of the flatted dwellinghouse", "nothing may be done in a flatted dwellinghouse that may be deemed a nuisance or occasion disturbance to other proprietors in the Development or to their tenants or assignees or any other inhabitant

3.

in the neighbourhood".

The intended use of the flats, since the Development was built in 1997, was obviously as residential flatbed dwelling-houses only.

At no time, prior to commencing the operation of bins from the flat in 2018, the Applicant did not request the approval or otherwise from the other owners in the Development to this change of use. By dint of the requirement for Planning Permission this confirms a material change of use.

Perhaps the Council should have a question on their application forms re title conditions.

Precedent

2. My husband and I have lived in the Development since built in 1997. We now have concerns, indeed worries causing stress,

4.

that, should this licence be granted it could set a precedent which would ultimately change the whole amenity of the Development making it a less desirable location in which to live and also for prospective purchasers.

We are in the adjacent block and have been disturbed, due to the location of our bedrooms, late at night/in the early hours, by previous guests of Flat 8 (trades people) gathering outside the communal door of their block and at times sitting on a wall outside our bedrooms, smoking, drinking, chattering loudly and speaking on mobile phones.

More multiple tenancies could only make this situation worse and spoil the enjoyment of what is, like others in the Development, our home, not to mention constant changeover of guests at all times and the

5.

possible increase in charges for owners due to the decor in the communal areas needing more regular attention. Multiple tenancies could also cause parking issues.

I would have thought hotels and guest houses, who we should be supporting after recent events, were more appropriate venues than a residential flat in a Development.

Notice

3. I have concerns that the procedures for obtaining the licence may not have been followed. As far as I could see the notice to the public appeared on a lamppost on Albury Road (which I pass every day) on 13th October and had been removed (overnight by persons unknown) by Saturday, 14th October and was no longer on display. The notice stated that the application was made on 22nd September and the notice was displayed by the Applicant on 24th September. The notice

6.

should remain in place for 21 days, albeit there are 28 days from the date of the application to lodge representations as stated in the Notice. Even, given the benefit that the Notice was displayed on 27th September, the public were not given the statutory 21 days' notice.

In any event, I would have thought the decision re planning permission would have to be made first. As at this date, according to the website, the planning application status is "pending". The last date for lodging objections/representations was only on 10th October. However, I appreciate this may be how the procedure is.

N.B I now understand from Albury Mansions' Committee that they contacted the Council re the Notice situation and received an email from the Private Sector Housing

7.

Manager (Jocelyn Janssen) dated 16th October advising that the Applicant had been instructed to re-display the Notice and that, expecting the Notice to be re-displayed on 17th October (which it was in the same terms as the previous one) for 21 days, the last date an objection can be received would now be 14th November, 2023. Unfortunately, while the owners of flats within the Albury Mansions' Development may be aware of this, the public will not.

Yours faithfully,

[Redacted signature]

Kindly acknowledge receipt to: -

[Redacted name]

'D'

From: Annabel Dawson
Sent: Thursday, October 19, 2023 11:53 AM
To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>
Subject: No. 8 Albury Mansions, Aberdeen, AB11 6TJ

Private Sector Housing Team
Early Intervention and Community Empowerment
Hub 11, 2nd Floor West, Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Sir / Madam,

Objection in relation to Application Reference: HSTL548956533

I write in relation to the above application for consideration of a Short Term Let licence being granted for No. 8 Albury Mansions, Aberdeen, AB11 6TJ.

The dates of review are unclear as per signage recently erected - and then removed - from outside the property, but I do hope and kindly request that the below will be taken into consideration.

I wish to lodge an objection to this application on the following grounds:

1. Contravention of established Deeds of Condition for the development
Albury Mansions has legally binding Deeds of Conditions governing the use of the development which place clear obligations, responsibilities, and specific prohibitions upon owners including, but not limited to, the following:

- i) Properties are to be used as private dwellinghouses only and for no other purpose
- ii) Properties should not be used as a place of business
- iii) Properties should not be occupied by more than one family at a time

It is my view that no Short Term Let licence should be granted where it would enable a circumvention or contravention of legally binding conditions upon owners in the development that have been carefully established for the good of all owners and for the protection of the development against a material change (which a STL is) that would harm the intended use, purpose and enjoyment of the development for the owners and the surrounding community. The contractual rights of all owners should be respected.

2. Amenity and Enjoyment of Property

Short Term Let arrangements, by their nature, have the very real potential of impacting the following aspects of the development which are of concern:

- i) Noise, traffic and disturbance within the development and within the relevant block;

ii) Disproportionate use of development parking facilities – especially if there are multiple occupants (as is likely to be the case);

iii) Additional wear and tear on development communal areas resulting in higher factoring fees to other owners.

There have been notable examples of these concerns already during previous rentals of this property prior to this STL application.

3. Security

The development security relies upon restricted, gated parking and common security entrance key and electronic codes to blocks. Having parking key fobs and door entry keys and codes being made available to potentially dozens of different people with no restrictions on their potential future use is a real concern. The development has already suffered significant concerns in the past where previous residents continue to use the parking facility after their let tenure and the security of the development would be inherently negatively affected by any STL arrangement being granted.

4. Precedent

Albury Mansions was intended to be, and is, a quiet, residential, private dwelling development. The granting of this application would set an unwelcome and dangerous precedent for the development and the surrounding area, potentially turning Albury Mansions into yet another hotel style development or transient air b and b arrangement which, in my opinion, would negatively affect the intended purpose of the development, adversely impact the property prices in the development and the surrounding Albury Road vicinity and end up spoiling the amenity and enjoyment of what the development was intended to be. For these reasons, Short Term Let arrangements within the development should be discouraged.

Your Sincerely,

Annabel Dawson, owner of [REDACTED]

[REDACTED]
Albury Road

Aberdeen

AB11 6TJ

27th October 2023

Subject: Objection to application for a Short Term Letting license - HSTL548956533

Dear Sirs,

I am writing in connection to an application to apply for a Short Term Letting license, for #8 Albury Mansions, AB11 6TJ. I wish to object to the granting of a license based on the following:

Reference to the Deeds of Condition

The Deeds of Condition (DoC) are a legal document that is provided to all owners upon purchase of a property. The DoC provide a framework that lays out the conditions of ownership and occupancy. One of its purposes is to ensure that residents of a shared development do not engage in activities and/or alterations that affect the established living conditions of other residents. The deeds place restrictions on owners that include, but is not limited to:

- Properties are to be used as a private dwelling house only and for no other purpose.
- Properties are not to be used as a place of business
- Properties are not to be occupied by more than one family at a time

Erosion of residential community

For those who live in Albury Mansions the residence is our home. It is where we live, return to after work, and build relationships with our neighbours. The use of residences for the purpose of STL rentals erodes the community of our development and reduces the feeling of community that exists between us.

Long term security and parking concerns

It is an established point of concern that the high turnover of occupiers within STLs leads to concerns over residential security, and un-solicited parking offenders. Keys for properties, which includes the key to the main front door, pass through multiple hands every year giving rise to concerns over the non-return of keys, or the copying of keys. The provision of the security code to the front door raises the same concerns.

The development has a city centre location. A gated entrance was erected some years ago as a reaction to many years of unsolicited parking by non-residents using the development for free parking while attending the office or doing a shopping trip. This situation led to confrontations and subsequent stress to the owners.

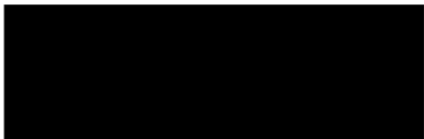
The gates are accessed by use of a key fob, which will be handed to STL users during their stay. As per the door key and entrance code there is the potential for an increase in unsolicited parking by those who do not return the key fob. Again, leading to stress and occasional confrontation.

Setting of precedence

Significant numbers of people across Aberdeen have concern about the setting of precedence, should applications be approved. Residents of Albury Mansions do not wish to see a precedence for the approval of STL applications set within the development. The development was built for the purpose of being a residential development, for people to cultivate relationships with their neighbours. It continuous to be that now. A proliferation of STL licences would erode the community feel, reduce the value of properties, and impact the enjoyment of the development for its residents.

For these reasons the approval of Short Term Letting applications should be treated with the utmost care by the council.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

David Robertson.

Third, Linda

From: Linda Third [REDACTED]
Sent: 05 November 2023 16:56
To: Third, Linda
Subject: Albury Mansions Aberdeen

[EXTERNAL EMAIL]

Linda Third

[REDACTED]
Aberdeen AB11 6TJ

I object to the application for short term let in Albury Mansions because this is a residential development. Gated and secure for the residents.

Deeds of conditions expressly state that all dwelling within the development are private dwellings.

Running a business is expressly prohibited.

Fobs would need to be handed out and car park volumes increased.

Damages costs every resident.

If one licence is granted where would that stop in the future.

This is generally a quiet development and wouldn't want this changed over time .

Regards Linda Third





Dear Licencing Committee Members,

We have been instructed by our client, applicant and the property owner Isabel Rennie to respond to the objections and prepare this letter in support of the application. This letter should address all the objections to this application, answer all the relevant questions and provide supportive evidence.

It's important to state that residents of Albury Mansions who are objecting to this application have never raised any complaints towards our guests in the past 6 years of offering this accommodation. The objections are referring to the future possibilities which will likely never happen, taking into account the past 6 years of this property history and with the control measures we have in place.

We are in support of STL licences and trust that licenced operators will offer higher standards of accommodation and services. Local authority and our next door neighbours will also have greater power to hold licence holders to account if licence conditions were breached. We would like to ask Committee Members to assess our clients case objectively and look into evidence on how the property was used during it's past 6 years history.

Few words from the property owner

My name is Isabel Rennie and has owned 8 Albury Mansions, Aberdeen from 2004 with my husband David. Up to December 2017 the property was let out to tenants. Since then Thistle Apartments has been responsible for short term leases. We have always respected the entire building and all the residents throughout the 20 years of ownership. Having been involved in the hospitality business since 1980, the knowledge and understanding and skills has served me well to ensure the high standard of the property is maintained.

Property Management

The property is managed by Thistle Apartments. Thistle Apartments is a leasing agency specialising in letting properties on a short term basis.

Our managed apartments are very well looked after and we make sure the standards are kept high. This would only be possible with having respectful guests occupying our properties. We always meet and greet all our guests on arrival because we need to know the guest who booked the property in person, who will occupy the property and who will also become a short term neighbour to the other building residents.

Our apartments are well looked after and are offered to a range of professional clients, travellers coming from all over UK and further afield and families relocating to Aberdeen. Our minimum bookable number of nights is five or seven. We've adopted strategic advertising measures many years ago to attract good neighbours and deter party revellers who can cause a complete misery to the building residence, our reputation and occupied property.



We have been accommodating guests and offering apartments for 9 years. Some of our past and present clients are from numerous back grounds and skills such as Oil and Gas companies booking 2/3 weeks for a specialist employee on training courses and by engineers servicing offshore wind farms located off Aberdeen. We've also had pleasure to offer apartments to charities who support families with young children attending cancer treatment spanning over many months. Our properties have also been offered to performers of His Majesty's Theatre and The Music Hall. We hosted construction companies employees building Aberdeen incinerator and also working on Aberdeen harbour expansion. Our apartments play a small but vital part in the local accommodation ecosystem.

The visitors to Aberdeen don't choose to use our apartments because we have 10 properties in a single building but because our apartments are single, well looked after individual flats, with home from home feel. Our guests want to be part of building community and treat apartment as their own home. Guests also love the privacy that our locations offer. Our apartments are used as a solid accommodation base with guests being busy by attending meetings or working away most of the day, looking to come back to the peaceful home and being able to enjoy it and rest.

Use of property as STL

Recently introduced Short Term Let "STL" licence legislation requires all the operators to become licenced. Short term licence wasn't required in the past when our client started to lease this property 6 years ago. Our client is simply following Scottish Government requests, and applying for the STL licence to ensure continuity of leasing this property.

Arrival & Departure

We are always at the building on arrival, helping with the luggage if necessary. If guests are arriving at the evening, we ensure that the journey between building front door and apartment door is made without making any unnecessary noise, with full respect to the neighbours. Guests are departing independently from properties around and by 10:00am. Every property in this building has a small vestibule protected by the door. The impact from arrival and departure noise on other residents would be insignificant if any due to the additional vestibule door.

Level of Noise

The guests are made aware of building rules on arrival with emphasis to keep level of noise to the minimum during evening hours. We have developed various successful precaution measures over the years of operating, to minimise or eliminate chances of antisocial behaviour taking place in our managed apartments.

Although we've had very few noise complaints over 9 years of leasing apartments across all of our locations, we are always ready to support building residence and take on-site, face to face action if necessary. We have a very quick response time to any complaints which may result from any excessive noise.

On arrival, all the property visitors are required to agree in writing, to maintain the noise to an acceptable level to ensure the neighbours are not disturbed. Our guests also wish to enjoy quiet period themselves and not be disturbed, by loud music or similar events. This is part of terms and conditions of booking an apartment.

One of the objections states that trades people gathered outside late at night, smoking and speaking loudly on their phones. We don't have records of any noise complaints originating from residents of Albury Mansions. The objector didn't provide details on when the annoyance had taken place, what time of the day and for how long. How could we be certain that the people in question were residing in the apartment.

We have to acknowledge that most of us would not realise to create annoyance to our neighbour and do it on purpose. We all have different lifestyle habits, which have to be respected. The first step in addressing disturbing noise is to inform the noisy person/s of the disturbance. Polite request such as "Good evening gentlemen. Would you please be kind and keep the noise down?" is usually enough. We were not made aware of the annoyance caused to the resident of 56 Albury Mansions, therefore no opportunity was given to us to speak to the guests and address the issue.

When the noise complaints are raised, the occupants are always contacted promptly and informed of the complaint raised. We then follow up with the complainer to check if our intervention to resolve the conflict was successful. We have a very good success rate in resolving sporadic noise complaints.

We have successfully been dealing with any noise complaints immediately when we are notified and promptly communicate with the guests. Our priority when it comes to the noise complaints leans towards building residents. Any occupants residing in our managed apartments are aware that we operate strict with only acceptable noise levels throughout their stay and quiet period policy between 11:00pm and 7:00am. Guests also wish to enjoy quiet period themselves and not be disturbed, by loud music or similar events.

Parking

All the guests are informed on parking rules and available/unavailable facilities prior to booking any of the apartments. The availability of parking facilities are clearly explained through each property advertisement listing on-line. If parking questions or concerns are raised after booking has taken place, we will also check if parking rules were understood through further communication. In addition to clear advertising, we provide handy parking maps to the guests before arrival, to make it easier to find parking spaces if necessary. On arrival, the guest who booked apartment and entered into leasing agreement, is required to confirm in writing to use only permitted parking facilities. Parking in accordance with the local rules forms part of the terms and conditions of booking accommodation.

Albury Mansions development benefits from large car park, with some sections of the facility frequently vacant. We have never witnessed communal car park being used to it's full capacity with no remaining spaces left.

No evidence has been presented which would suggest that our property would use larger share of development parking facilities, in comparison to other properties. The arriving guest is offered with one car park fob. Some of guests don't have vehicles and use taxis and/or public transport. Communal parking space is also not in use when property is unoccupied to the benefit of other residents with more than one vehicle per flat. The Guests would have no reason to keep the communal car park fob. All the previous property occupants up to the date returned car park fob. Thistle Apartments hold a £150.00 deposit which is returned after the property inspection is complete and are satisfied with the condition all materials etc are all in place including keys and fobs.

Pets

None of our managed apartments are suitable and able to accommodate pets.

Over Crowding & Maximum Capacity

Each of the properties can accommodate maximum of 2 or 4 guests, depending on the location. We will ensure that on arrival this maximum capacity is not exceeded. On average two bedroom apartment is booked for 2 guests, however quite often our clients will book two bedroom property for a single guest. We can confirm that our clients' property has been occupied by a single guest since December 2023, with the reservation extended on monthly basis.

Duration of Stays

Our advertising measures allow the guests to book any of the properties for minimum of 7 nights with short lead time, however we are more focused on attracting longer reservations. It's often the case that apartments are occupied for 2 or 3 months by the same single guest, who will keep extending accommodation one month at the time. We will sporadically offer accommodation for 5 nights, after careful consideration.

Building Maintenance

Wear and tear of the communal parts of the building would be dependent on number of occupants of each property and the location of the property within the building. We see damage to the communal halls being done by bicycle tyres or removal of heavy and bulky items from upper floors. It's in our interest to have communal halls well maintained and as presentable as possible.

We are frequently in contact with factoring agents reporting and discussing any potential repairs. The building must be kept in good state of repair and communal hall well presentable, to the benefit of all the residents. It often happens that communal carpets/walls are cleaned at the cost of our client, apartment owner.

Communal Upkeep

There is no evidence that occupants of our managed property are generating increased costs to the communal space. Due to lack of furniture being moved in and out from our property, we can safely assume that risk of any accidental damages to the communal hall will be lower than in other block of flats with short term tenants. Factoring agent would have a figures on how much each block of flats cost to upkeep.

Security

Guests are advised on arrival to keep the property entry door and the main building exit doors secure. Signs located at the main exit doors to the building further emphasize the message. Each block of flats houses 8 or 9 properties with access to the building using an entry code. It's understood that each block of flats would have different entry code changed frequently and at least every 6 months.

Supporting Statement Summary

We would like to ask Committee Members to grant our client a full length short term licence. There were no recorded noise, parking or antisocial complaints over past 6 years of leasing this property. One of the objections states that there was an issue with the noise in the past, however no details are available and we had not been given opportunity to address the above mentioned problem.

If there are any future complaints from the current objector or any other building residents directed towards the occupants of our clients property, which are not resolved, the complainer would have mechanisms on hand to contact Aberdeen City Council housing officers. If the complaints are not dealt with or the licence holder is in breach of the licence conditions, the licence can be easily investigated and revoked by local authority. We trust this letter will reassure you that the apartment has been operating in a responsible way for the past 6 years with full consideration for other residents of the building and we will continue to do so.

Kind Regards,
Lucas Zych (Director)
Thistle Apartments

LICENSING COMMITTEE INFORMATION SHEET

28 February 2024

Public Application

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

APPLICANT: GRAHAM RALSTON

PROPERTY MANAGER: GRAMPIAN LETTINGS LIMITED

ADDRESS: FLAT F, 20 RIVERSIDE DRIVE, ABERDEEN

INFORMATION NOTE

- Application Submitted 24/09/2023
- Determination Date 23/09/2024

This Short Term Let licence application is on the agenda of the Licensing Committee for the reason that 2 representations/objections were submitted to the Private Sector Housing Team.

If, after consideration of the representations/objections, the Committee is minded to grant the Short Term Let licence, it may do so since at the time of drafting this report, the necessary upgrading works and certification have been completed.

DESCRIPTION

The property at Flat F, 20 Riverside Drive, Aberdeen, is the subject of this new Short Term Let licence application and its accommodation comprises 3rd floor, flatted property, 2 bedrooms, lounge, kitchen, 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 Comments
- One objection email from Robyn Prati (Attached as Appendix B)

- One objection email from Brian Murray (Attached as Appendix C)

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

COMMITTEE GUIDELINES/POLICY

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

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

GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

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

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

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

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

(iv) the possibility of undue public nuisance; or

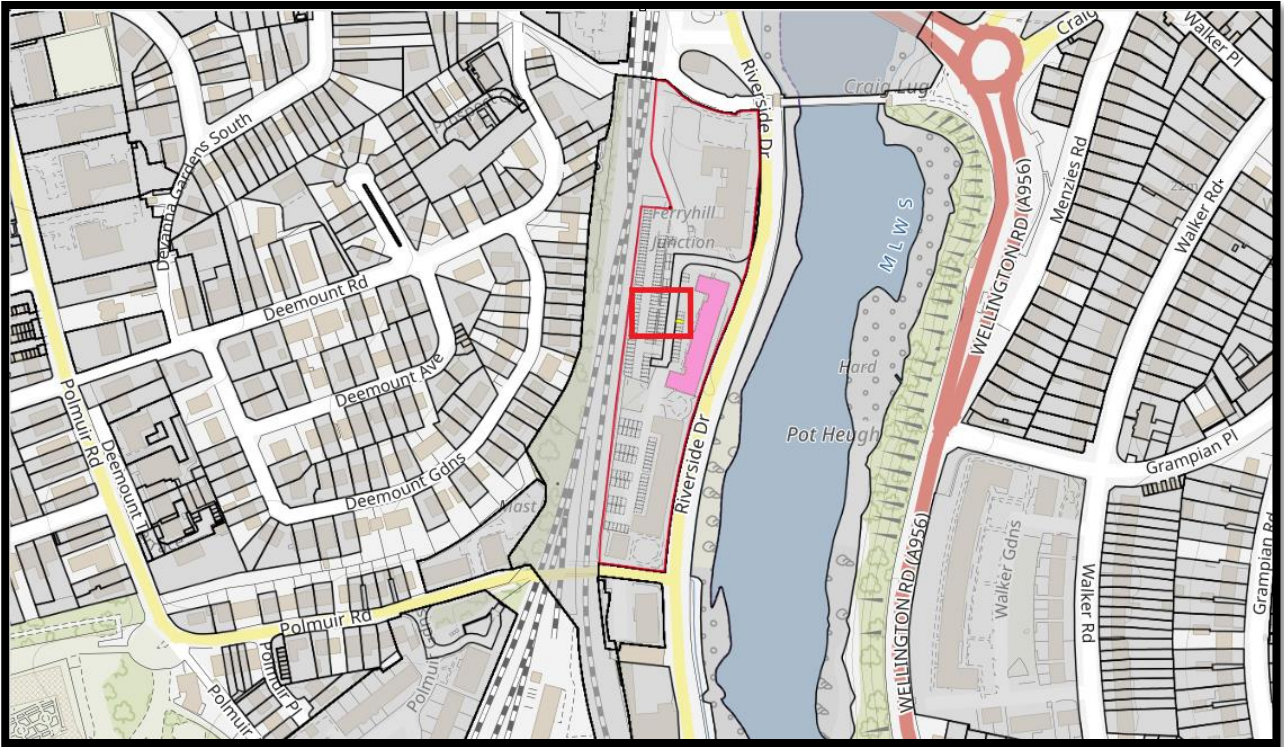
(v) public order or public safety; or

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

OTHER CONSIDERATIONS

- Landlord Registration is not a requirement of Short Term Let licensing.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints in respect of Flat F, 20 Riverside Drive, Aberdeen.
- There is one Granted Short Term Let licence at 17 Riverside Drive 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: Robyn Prati
Sent: Monday, October 16, 2023 5:44 PM
To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>
Subject: 20F Riverside Drive - Short Term Let Objection

To whom it may concern,

It has been brought to our attention that a flat in our building (20F Riverside Drive, AB11 7DG) is being utilised as a short term let property. We have been advised by our neighbours that there is a way for us to object to the flat being used for such purposes which is the reasoning for this email.

The flat in question is directly above my residence and has been a cause for various noise related grievances over the last few months. As you can imagine there are lots of different people coming in and out and often times large groups having holidays/parties etc which causes unnecessary noise and disruption to an otherwise quiet residential property.

As a resident in this building it worries me that there are unknown people coming in and out as they please. There is no way for the person letting this flat to vet these occupants and that doesn't fill us as neighbours with much confidence. In fact it makes me rather uncomfortable, I can't imagine what the families with children in the building think. I believe this falls under the Scottish Government Legislation (easons to object a STL points c) and d)

The Premises are not suitable or convenient having regard to

C) the kind of persons likely to be in the premises

D) the possibility of undue public nuisance

It also states on their booking.com page that they can sleep up to 7 persons which is highly unsuitable for a 2 bedroom property. This size of occupancy also infers that they welcome large parties, such as stag and hen parties which again creates more noise and disruption for the neighbours.

This building is a quiet residential property as mentioned previously and I don't believe that a short term let should be allowed without the neighbours permission which I don't believe they would be able to get.

If you have any further questions about my complaint/objection please reach out.

Kind regards
Robyn Prati



'C'

From: Brian Murray
Sent: Tuesday, October 17, 2023 4:13 PM
To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>
Cc:
Subject: Short Term Let Application

With regards to your notice posted at the apartments outside my block, I wish to object to the application for the following reasons.

The location, character, or condition of the premises

The type of persons that may use the premises as I have seen in our block 21 with coming and goings on short term workers, who often leave a strong smell of marijuana in the facility.

Also, the front doorway heavily littered with cigarette ends.

The possibility of undue public nuisance or resident's car park spaces taken up by visitors and friends of visitors.

Regards
Brian Murray



LICENSING COMMITTEE INFORMATION SHEET

28 February 2024

Public Application

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

APPLICANT: KIRK HARRISON

PROPERTY MANAGER: RJH ACCOMMODATION LIMITED

ADDRESS: 54 SHAW ROAD, ABERDEEN

INFORMATION NOTE

- Application Submitted 26/09/2023
- Determination Date 25/09/2024

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

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

DESCRIPTION

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

CONSULTEES

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

REPRESENTATIONS/OBJECTIONS

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

- Representation from RJH Accommodation (Attached as Appendix C)

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

COMMITTEE GUIDELINES/POLICY

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

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

GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

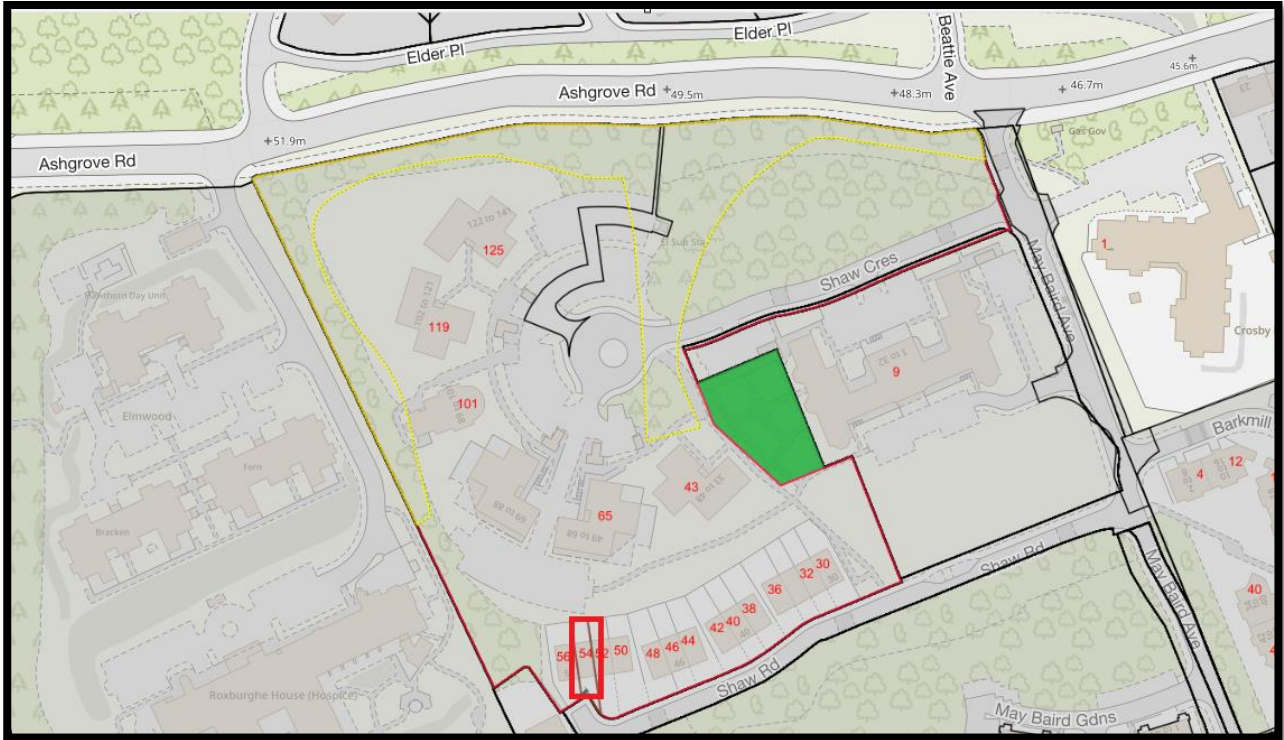
- (i) the location, character or condition of the premises or the character or condition of the vehicle or vessel;
- (ii) the nature and extent of the proposed activity;
- (iii) the kind of persons likely to be in the premises, vehicle or vessel;
- (iv) the possibility of undue public nuisance; or
-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

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

OTHER CONSIDERATIONS

- Landlord Registration is not a requirement of Short Term Let licensing.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints in respect of 54 Shaw Road, Aberdeen.
- There are no Granted Short Term Let licenses at Shaw Road, Aberdeen.
- Planning Permission is pending for 54 Shaw Road, Aberdeen.
- The property is currently unlicensed. However as the applicant was an existing operator before 01 October 2022, the property is currently operating as a Short Term Let until the Licence application is determined.

'A'



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

Alastair Macdonald

[REDACTED]
Aberdeen
AB25 3BS
[REDACTED]

Subject : Short Term Lease 54 Shaw Road Aberdeen

Date: 23rd October 2023

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

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

Disposal of Household Waste

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

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



54 Shaw Road 22 Oct 23



54 Shaw Road 8 Oct 23

Aberdeen City Council
Planning & Environment
DATE RECEIVED
25 OCT 2023

Parking of Commercial Vehicles

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

Again, see below photos of commercial vehicle parking:



54 Shaw Road



46 Shaw Road

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

Yours faithfully



Alastair Macdonald

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

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

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

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

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

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

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

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

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

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

Enclosure referred to:

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



To Whom it may concern

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

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

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

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

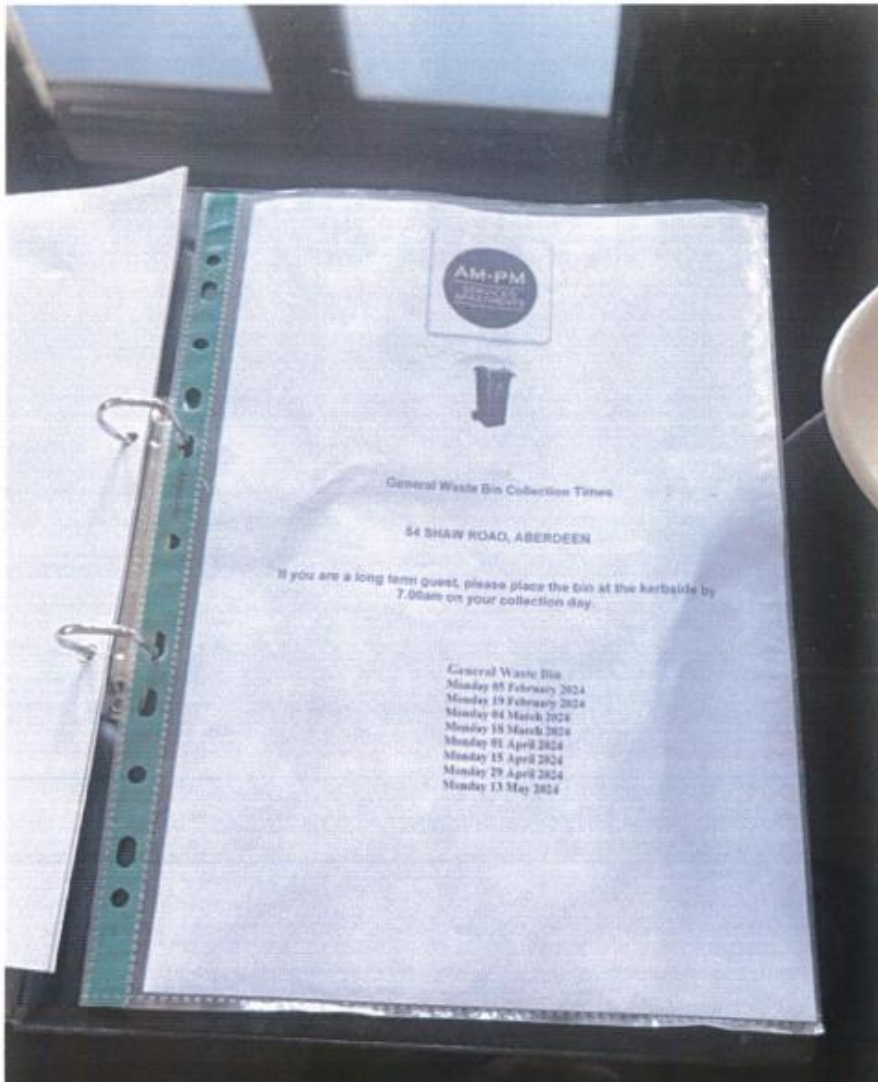
Both these incidents were reported and were given immediate action during the time frame allocated to complete the service change. The staff acted promptly to deal with both incidents. We do ensure that we leave the properties clean and all the rubbish left by the guest are disposed of accordingly.



Director
Loyal Maid Cleaning Services

Duncan

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



General response to objections to Short Term Let Applications

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

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

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

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

NO SMOKING

NO PARTIES OR EVENTS OF ANY KIND

QUIET HOURS FROM 9PM TO 8AM

NO PETS

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

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

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