

**LICENSING COMMITTEE INFORMATION SHEET**  
**26 January 2024**

**Public Application**

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

**APPLICANT:** KIRK HARRISON

**PROPERTY MANAGER:** RJH ACCOMMODATION

**ADDRESS:** 33 QUEENS HIGHLANDS, ABERDEEN

**INFORMATION NOTE**

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

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

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

**DESCRIPTION**

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

**CONSULTEES**

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

**REPRESENTATIONS/OBJECTIONS**

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

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

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

## COMMITTEE GUIDELINES/POLICY

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

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

## GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

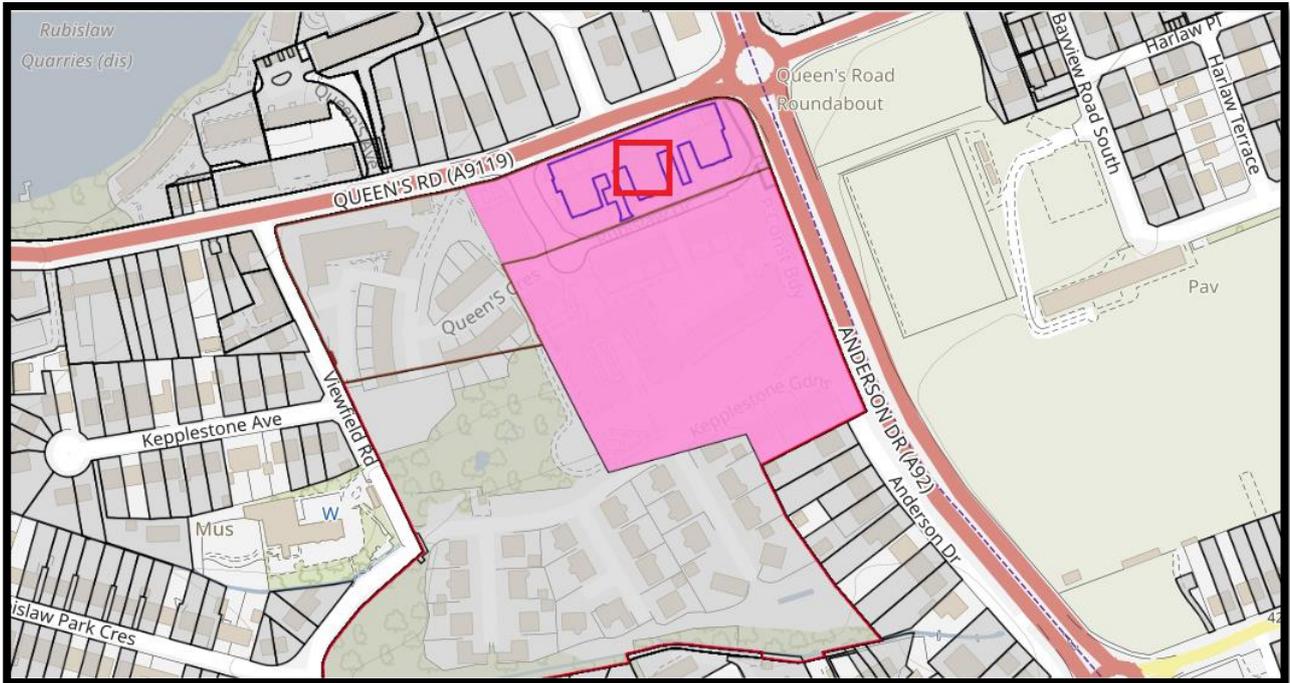
- (i) the location, character or condition of the premises or the character or condition of the vehicle or vessel;
- (ii) the nature and extent of the proposed activity;
- (iii) the kind of persons likely to be in the premises, vehicle or vessel;
- (iv) the possibility of undue public nuisance; or
-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

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

## OTHER CONSIDERATIONS

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

# 'A'



**'B'**

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

Hello,

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

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

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

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

[REDACTED] Queens Highlands  
[REDACTED]

**Responses to email dated 15<sup>th</sup> August 2023 from Vanessa and Graeme Smith**

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

**1. Frequent movement and turnover of tenants in the area**

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

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

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

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

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

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

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

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

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

## General response to objections to Short Term Let Applications

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

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

10. We do not allow bookings from anyone under the age of 21.
  
11. We attach a copy of our terms and conditions which are signed by every guest prior to checking in. It can be seen there is no smoking, no parties or events of any kind and quiet hours from 9pm to 8am. If there is any breach of these conditions, we will remove the guest from the property the same day. This has never happened, most likely due to the vetting processes mentioned above. Long term tenants will not have the same restrictions placed on them and the threat of losing £200 for breaching them.
  
12. There is often a clause in the title deeds relating to a property stating no trade, business, manufacture or profession can be run from the property. A common objection to short term lets is that they breach the title deeds of the development. However, it is submitted a licensing board hearing is not the platform to raise such an objection and such an objection should be made in a court such as the Aberdeen Sheriff Court or the First Tier Tribunal.  
It is further submitted a short term let does not breach such a clause as the property is being used as a private dwellinghouse for normal residential purposes and no business, trade or manufacture is being run from the property. The business where the marketing is done, bookings are taken, terms agreed and contracts signed is run from commercial premises on Union Street.
  
13. All our properties have a designated parking space and we make it clear where the parking space is with photographs of the parking space sent to the guest prior to arrival.
  
14. Serviced apartments and short term let accommodation are a big part of Local Policy objectives to increase tourism in Aberdeen and for Aberdeen to position itself as a hub for the oil and gas and renewable energy sector.
  
15. It has been noted from reading objection letters that several objectors have not realised we have been carrying out short term lets for over 10 years in their development without them even noticing. This is testament to the fact short terms lets do not cause any problems and certainly no more than a long term let would.

**NO SMOKING**

**NO PARTIES OR EVENTS OF ANY KIND**

**QUIET HOURS FROM 9PM TO 8AM**

**NO PETS**

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

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

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

# **Guest Registration Card**

## **Orange Apartments/AM-PM Apartments**

**{PROPERTYADDRESS}**

Guest Name

Apartment Type :

Arrival Date :

Check-Out Date :

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

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

NO SMOKING

NO PETS

ANY EVIDENCE WILL RESULT IN A £200 FINE

NO PARTIES OR EVENTS OF ANY KIND

QUIET HOURS FROM 10PM TO 8AM

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

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

TENANT SIGNATURES

{TENANTSIGNATURES}

Orange Apartments/AM-PM Apartments

Head Office: 441 Union Street, Aberdeen AB11 6DA

Email: [contactus@amandpm.co.uk](mailto:contactus@amandpm.co.uk)

Tel: 01224 595555

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