

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—

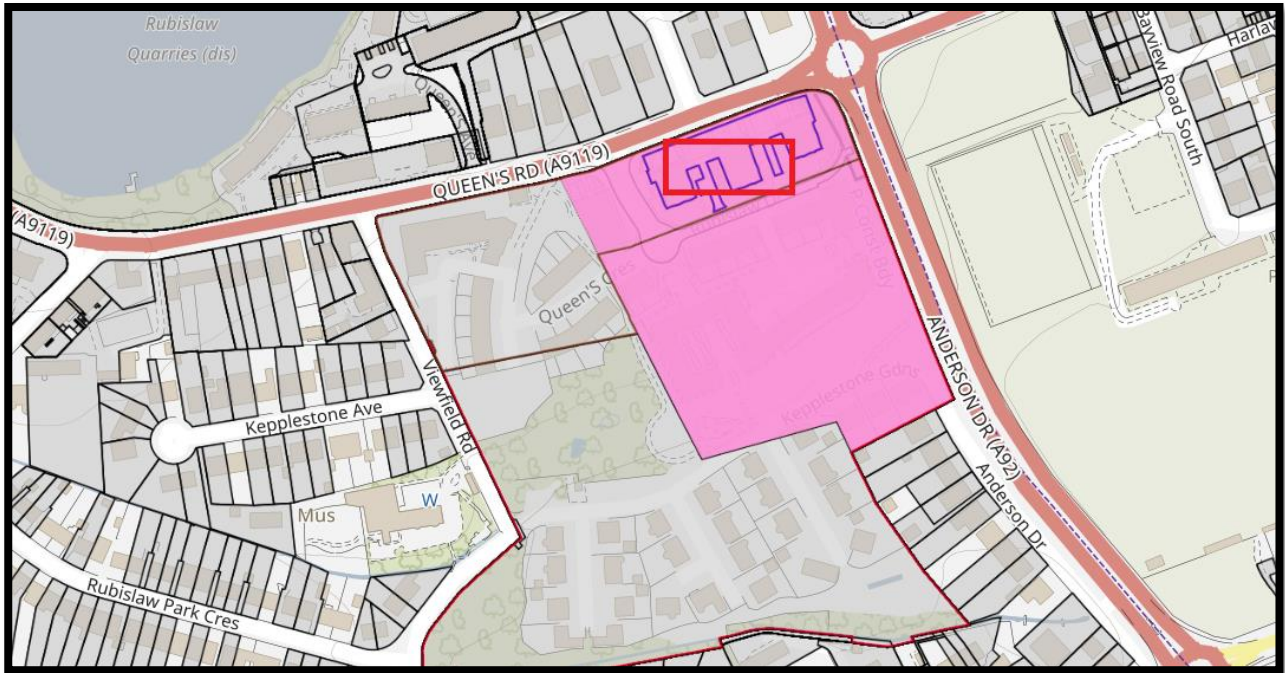
- (i)the location, character or condition of the premises or the character or condition of the vehicle or vessel;
- (ii)the nature and extent of the proposed activity;
- (iii)the kind of persons likely to be in the premises, vehicle or vessel;
- (iv)the possibility of undue public nuisance; or
- (v)public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