

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—

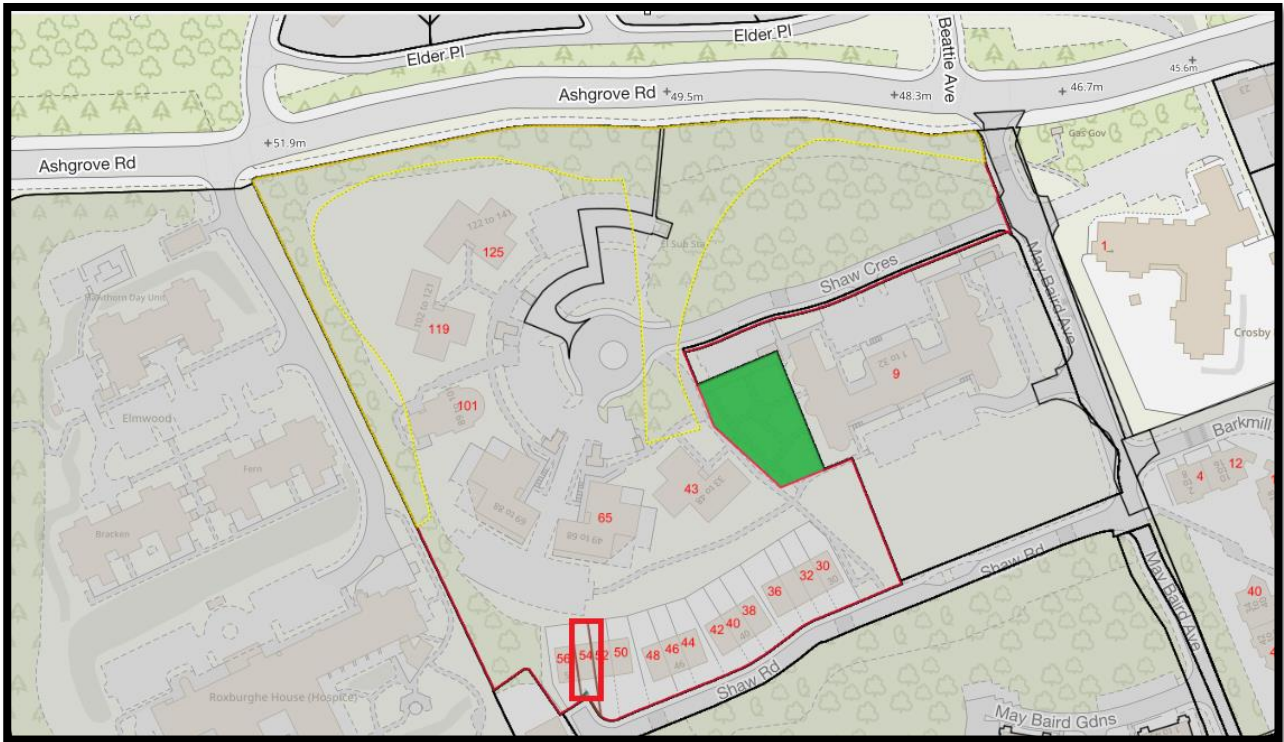
- (i) the location, character or condition of the premises or the character or condition of the vehicle or vessel;
- (ii) the nature and extent of the proposed activity;
- (iii) the kind of persons likely to be in the premises, vehicle or vessel;
- (iv) the possibility of undue public nuisance; or
-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

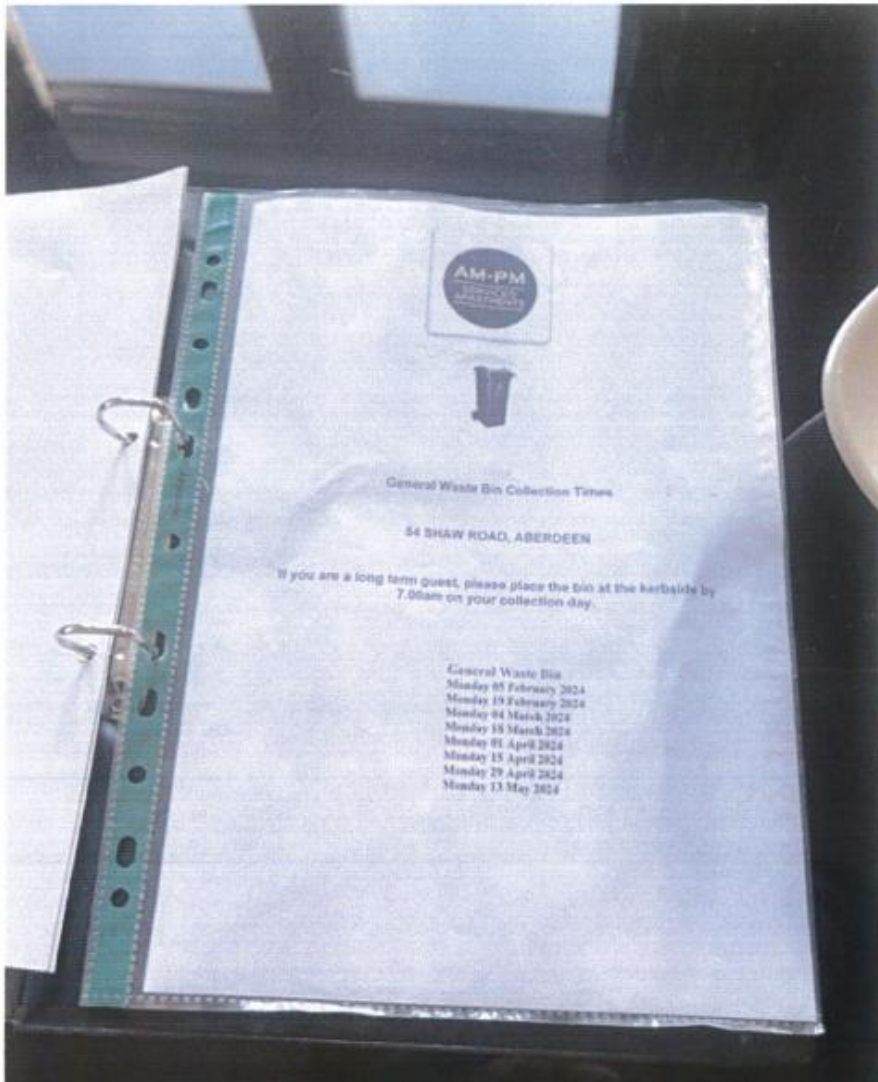
Both these incidents were reported and were given immediate action during the time frame allocated to complete the service change. The staff acted promptly to deal with both incidents. We do ensure that we leave the properties clean and all the rubbish left by the guest are disposed of accordingly.



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