

LICENSING COMMITTEE INFORMATION SHEET

05 June 2024

Public Application

TYPE OF APPLICATION: SHORT TERM LET LICENCE APPLICATION

EXISTING HOST- HOME LETTING

APPLICANT: WILLIAM HUNTER

PROPERTY MANAGER: WILLIAM HUNTER

PROPERTY ADDRESS: 38 FONTHILL AVENUE, ABERDEEN

INFORMATION NOTE

- Application Submitted 18/07/2023
- Determination Date 17/07/2024

At the date of drafting this Information Note, a new Short Term Let licence cannot be granted for the reason that:

- 1) The work requirements to bring the property up to the current Short Term Let standard have not been completed.

The meeting of the Licensing Committee on 05 June 2024, is the last meeting before the one-year statutory deadline for determining this Short Term Let licence application. If Committee are minded to refuse the application, they must do so at the meeting on 05 June 2024. I will advise the Committee whether the applicant has satisfactorily completed the certification requirements.

DESCRIPTION

The property at No.38 Fonthill Avenue, Aberdeen, is a flatted property comprising 3 letting bedrooms, lounge, kitchen and bathroom. The applicant has requested an occupancy of 4 guests, which is acceptable in terms of space and layout.

CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- Aberdeen City Council's Planning Team

OBJECTIONS/REPRESENTATIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- Aberdeen City Council's Planning Team – not required.

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 Community Safety Team has no records of any complaints of anti-social behaviour involving the guests of No.38 Fonthill Avenue.
- 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.
- The following certificate must be submitted:
 - Public Liability Insurance.