

City Chambers
DUNDEE
DD1 3BY

6th August, 2024

Dear Colleague

I refer to the agenda of business issued in relation to the meeting of the **LICENSING COMMITTEE** to be held remotely on Thursday, 8th August, 2024 and now enclose the undernoted documentation which was not received at time of issue.

Yours faithfully

GREGORY COLGAN

Chief Executive

3 CIVIC GOVERNMENT (SCOTLAND) ACT 1982

(c) TAXI OPERATOR – CORPORATE PLACE - NEW APPLICATION

No	Name	Address
2	Glamis Cabs Ltd	1 Glamis Street

A written submissions are attached (**Appendix 1**) - **Page 1**.

(d) TAXI OPERATOR – REQUESTS FOR EXTENSION OF TIME TO PLACE VEHICLE ON SERVICE

No	Name	Address
1	FMC (Scotland) Ltd	Unit L, Charles Bowman Avenue

A written submission is attached (**Appendix 2**) - **Page 5**.

2	Maureen Martin	46 Poplar Road, Clayton Caravan Park
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A written submission is attached (**Appendix 3**) - **Page 7**.

3	City Centre Cabs	Charles Bowman Way
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A written submission is attached (**Appendix 2**) - **Page 5**.

4 HOUSING (SCOTLAND) ACT 2006**(c) HOUSES IN MULTIPLE OCCUPATION – UPDATES**

No	Name	Person Responsible	Address
2	NHS Tayside	NHS Tayside	Ninewells Residences

A written submission is attached (**Appendix 4**) - **Page 9**.

5 CIVIC GOVERNMENT (SCOTLAND) ACT 1982, (LICENSING OF SHORT-TERM LETS) ORDER 2022**(b) SHORT-TERM LETS – UPDATE**

No	Name	Person Responsible	Address
1	Jean Jarvis	Jean Jarvis	1a Gray Street, Broughty Ferry

A written submission from the objector is attached (**Appendix 5**) - **Page 11**.

(c) SHORT-TERM LETS – NEW APPLICATIONS

No	Name	Person Responsible	Address
1	MacArthur Properties Ltd	Clark Anderson Properties Ltd	12 Whinny Brae

Written submissions from objectors are attached (**Appendices 6 and 7**) - **Pages 13 and 23**.

The Committee may resolve under Section 50(A)(4) of the Local Government (Scotland) Act 1973 that the press and public be excluded from the meeting for the undernoted items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 3, 6 and 9 of Part I of Schedule 7A of the Act.

6 CIVIC GOVERNMENT (SCOTLAND) ACT 1982**(c) TAXI OPERATORS – REQUESTS FOR VARIATION**

RE: Licensing Committee - 8th August 2024

Sikunder Butt [REDACTED]

Mon 22/07/2024 15:04

To:licensing.board [REDACTED]

Good afternoon

If the corporate plate is granted on the 8th I will have a vehicle purchased and tested within 28 days.

Kind regards

Sikunder Butt

Sent from my Galaxy

----- Original message -----

From: "licensing.board" [REDACTED]

Date: 19/07/2024 12:04 (GMT+00:00)

To: Sikunder Butt [REDACTED]

Subject: Licensing Committee - 8th August 2024

Good afternoon,

Please find attached letter regarding the above.

Kind Regards

Pamela

Licensing Department,
Dundee City Council, 21 City Square, Dundee DD1 3BY
Email : licensing.board@dundeecity.gov.uk
Tel : 01382 434444

"Do not open these types of documents from people you do not know since they might contain macros that will allow malicious code to be executed in your machine. Thanks."

 [Dundee Recycling App](#)

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RE: Licensing Committee - 8th August 2024

Sikunder Butt [REDACTED]

Wed 31/07/2024 13:53

To:licensing.board <licensing.board@dundeecity.gov.uk>

Good afternoon

Just an update that I have ordered a car and I will have that delivered by this Saturday

King regards

SIKUNDER BUTT

Sent from my Galaxy

----- Original message -----

From: "licensing.board" <licensing.board@dundeecity.gov.uk>

Date: 19/07/2024 12:04 (GMT+00:00)

To: Sikunder Butt <sikunderbutt@outlook.com>

Subject: Licensing Committee - 8th August 2024

Good afternoon,

Please find attached letter regarding the above.

Kind Regards

Pamela

Licensing Department,
Dundee City Council, 21 City Square, Dundee DD1 3BY
Email : licensing.board@dundeecity.gov.uk
Tel : 01382 434444

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RE: Licensing Committee - 8th August 2024

Peter Marr <[redacted]>

Thu 01/08/2024 14:16

To:licensing.board <licensing.board@dundeecity.gov.uk>

Hi there.

I am on holiday and cant attend the meeting.

I have purchased 3 Volkswagen caddy wheel chair vehicles from Sand Street Auto.

They are based down in West Yorkshire.

I am just waiting on delivery and hope to have the vehicles on the road and tested by the end of the month.

Thank you

Peter Marr

From: licensing.board <licensing.board@dundeecity.gov.uk>

Sent: 19 July 2024 12:05

To: Peter Marr <[redacted]>

Subject: Licensing Committee - 8th August 2024

Good afternoon,

Please find attached letters regarding the above.

Kind Regards

Pamela

Licensing Department,
Dundee City Council, 21 City Square, Dundee DD1 3BY
Email : licensing.board@dundeecity.gov.uk
Tel : 01382 434444

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 [Dundee Recycling App](#)

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APPENDIX 3

Extension for plate no.1914

Sirs, Thank you once again for taking the time to consider this request for an extension on finding a suitable vehicle for my licence number 1914.

I have noted the comments from Fraser and it would appear he may not understand that this is not an application for a licence and the paper sent to you was not an advert for any vehicle but a trade report on a general statement of what is happening in the Taxi Trade that Fraser and the committee may not be aware of and also some of the actual things that are happening in the UK. and I think more importantly in Dundee.

I do totally understand what the council in Dundee are trying to do for the city, but at this moment in time not every council is looking forward the way Dundee is especially with charging stations for these vehicles. The only criticism on the stations are that sometimes they are full of vehicles left unattended and should you have to return to the same station within 90 minutes there is a £10 charge which is not very handy for a taxi driver and electric cars are going of at peak times to charge the vehicles for the nightshift coming on which is causing problems around 17.00 to 18.30 hours.

Some of the parts for these vehicles are made in the Ukraine and with the war they are difficult to get. For example bushes for the rear axle at one time couldn't be bought and a new axle at £900 a vehicle had to be bought. I have been informed that City Cabs in Dundee have 4x3 year old electric vehicles (and a 5th one is being tested now) require new Batteries at a cost of £18000 per vehicle and these vehicles have to be transported down to Newcastle as that is the only centre in the UK to fit the batteries.

Should this happen to an ordinary individual taxi operator who may be married have a family and a mortgage. They would still have to pay the finance and insurance for the vehicle without an income coming in during this period. Would they survive?

The van that was being made for conversion to a WAV is no longer being made and the company recommended by Fraser, Vic Young of South Shield are not producing any electric WAV's at this time but they are looking at the Vauxhall Vivaro.

This is only at the drawing board stage because the battery is too small for the Taxi trade. (info supplied by Vic Young Sales Team).

The only Electric Taxi being supported by the Scottish Government at the moment is the London style Black Cab which I understand has a 300cc engine that is there only to assist the charging of the batteries and cannot move the car under any circumstances. I believe the council don't allow this as an electric vehicle, and it is very expensive for the trade and it has to go to Glasgow for a service. Again not very satisfactory.

A van that has been brought into service by anyone does not run for around 18 to 20 hours per day as taxis do and can be left on a trickle charge and not put on a fast charge which does have an adverse effect on the batteries.

I wish I could find some answers to assist with this problem at this time because I do worry that the travelling disabled public, the trade and the council may have difficulties getting electric WAV's as no one is rushing out to buy what is available to the trade now or in the future.

Thanks Maureen And Doug Martin

RE: Licensing Committee - 8th August 2024

Louise Fraser <[REDACTED]>

Fri 26/07/2024 14:49

To:licensing.board <[REDACTED]>

Cc: Billy Alexander <[REDACTED]>

Good afternoon Pamela,

I am pleased to confirm that following the on site inspection by Paul Cumming today, that the outstanding works have been confirmed as concluded for the Ninewells Residences HMO License.

Paul indicated he would report this into the committee but I thought it would be helpful to confirm directly with yourself if you require anything further from us as an organisation, or if this email plus Pauls report, will be sufficient to conclude the matter.

Thank you for your support in this and let me know if anything further is required and I will action accordingly.

Regards
Louise

Louise Fraser
Soft Facilities Manager

[REDACTED]

From: licensing.board
Sent: Friday, July 19, 2024 3:36 PM
To: Louise Fraser <[REDACTED]>
Subject: Re: Licensing Committee - 8th August 2024

Hi Louise,

Thanks for the update.

Kind Regards

Pamela

Licensing Department,
Dundee City Council, 21 City Square, Dundee DD1 3BY
Email : licensing.board@dundeecity.gov.uk
Tel : 01382 434444

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FW: Short Term Let Application - 1A Gray Street, Broughty Ferry, Dundee

licensing.board <licensing.board@dundeeecity.gov.uk>

Mon 29/07/2024 15:54

To:licensing.board <licensing.board@dundeeecity.gov.uk>

Hey Pam,

Think this one is for committee? Can they lodge further comment or are they too late?

Kind Regards,

Ashley Smith

Licensing & Electoral Registration Assistant

01382 434444

Licensing.board@dundeeecity.gov.uk

From: [REDACTED]**Sent:** 29 July 2024 15:22**To:** licensing.board <licensing.board@dundeeecity.gov.uk>**Subject:** Short Term Let Application - 1A Gray Street, Broughty Ferry, Dundee

Dear Madam,

I refer to your letter dated 17 July 2024 and continue to object to the granting of a licence.

The applicant has let the property on a limited number of occasions (possibly to avoid excessive complaints), and this has resulted in disruption to other residents and my tenants.

This disruption has included:

Excessive noise (internally and externally);

Dogs allowed to roam the shared garden area;

Confrontations and arguments between those letting and the long-term residents due to the disruption; and

Damage to the mutual gate.

I would ask again that members of the Committee and the applicant consider how they would like a short-term let property as their neighbour and request that the application is refused or overturned.

Yours faithfully,

Steven Dakers

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Fw: Licensing Committee - 8th August 2024 - 12 Whinny Brae - Objections

licensing.board <licensing.board@dundeecity.gov.uk>

Tue 06/08/2024 10:55

To: Elaine Doak <elaine.doak@dundeecity.gov.uk>

📎 1 attachments (107 KB)

SELMF22324062813430 Land Registry extract .pdf;

As per telephone call
Auds

Licensing Department,
Dundee City Council, 21 City Square, Dundee DD1 3BY
Email : licensing.board@dundeecity.gov.uk
Tel : 01382 434444

From: Wendi Neill <[REDACTED]>
Sent: 30 July 2024 22:06
To: licensing.board <licensing.board@dundeecity.gov.uk>
Cc: EROA <[REDACTED]>
Subject: Licensing Committee - 8th August 2024 - 12 Whinny Brae - Objections

Hi, thank you for inviting me to the meeting on 08/08/24. Unfortunately I am unable to attend so am resending my original objections email as below.

Please also see photographs attached, including extract from the Title Deeds and screenshot from Scottish Assessors Association.

With many thanks,
Wendi

Begin forwarded message:

From: Wendi Neill <[REDACTED]>
Date: 2 October 2023 at 11:19:27 BST
To: licensing.board@dundeecity.gov.uk
Cc: ERA <[REDACTED]>
Subject: Objections to short term let 12 Whinny Brae, DD5 2HW

Hi, I would like to formally submit my objections to the above licence application.

I would also like it noted that the notice is STILL not displayed in the correct area (having initially being placed across the road from the building entirely), now placed outside the

attached house, adjacent to the main building that number 12 is within. Residents of the main building are unlikely to see this notice.

The application is not displayed in the window or front door of number 12, nor on the communal notice board. This appears to be so that less residents may make objections.

Regarding objections to the continued short term let and application for licence, please see these below:

1. Co-Owners Vote, the Eastern Residences Owners Association Committee balloted owners on the 31st May 2022 asking if owners were For or Against properties within the development being used for Short Term Lets. Owners voted as follows No-20 votes, Yes-1 vote, No Reply-4 and No Contact details held-2. The Development is formed of 27 Apartments.

2. Real Burdens, Sections 4.1 and 4.2 of the development deed of conditions are real burdens restricting the permitted uses of flats within the building. As such, permission should have been sought to operate the flat as a short-term let business from the co proprietors/Manager. As identified in point one this permission from co-owners would not be granted.

The property in question is no longer listed under the Council Tax register (unlike all other properties) but appears on the Rateable Value register described as a Self- Catering Unit. This is a business rate as opposed to a domestic rate and I would suggest indicates a change of use contrary to the Real Burdens.

3. The Eastern Residences has an older demographic and a high owner occupancy level, and In reporting the issue, some members have identified that the operation of a short-term let within the building constitutes a material detriment to the value and enjoyment of their properties.

It is widely documented that a revolving door of guests can lead to violation of rules and regulations, including noise, and parking issues, some of which have already been witnessed.

4. The Short term Let property does not have its own main door entry and therefore has to use the Communal Entrance. The current owner has attached a padlock style key safe to an external Gas Pipe, however co-proprietors are conscious that his managing agency shares the door entry code with their guests undermining the development security.

5. Allowing a short term let against the wishes of co-proprietors has the potential to attract other future property investors to follow and the concern would be an imbalance to the development.

6 Given the shortage of accommodation within Dundee at the moment, it is strongly felt that longer term let options would be more beneficial to not only the development but to the wider community.

With thanks

Wendi Neill

[REDACTED]
[REDACTED]
[REDACTED]

14 SEPTEMBER 2022

What application has been made on
in respect of a Short-term Let in respect of

14 SEPTEMBER 2022

WHINNY BRAE, BROUGHTY FERRY, DUNDEE, DD8 2HH

ARTHUR PROPERTIES LTD

11 MILLIE LODGE
BROUGHTY FERRY
DUNDEE

Postcode DD5 3PY

Home Sharing

Home Sharing & Home Letting

Details (if different from applicant)

ARTHUR PROPERTIES LTD

Postcode DD5 3PY

Notice in relation to the application should be made to the Head of Democratic and Legal Services, 21 City Square, Dundee, DD1 3BY or electronically to the Licensing Authority, generally within 28 days of the above mentioned date. Objections and representations shall be in accordance with the following provisions, namely:

Where an objection is made to an application for the renewal of a licence shall be entertained by the Licensing Authority if the objection or representation:

- is made in writing;
- is made in person or, as the case may be, the nature of the representation; or
- is made by the person making it;

and is made within 28 days of whichever is the later of, as the case may be, latest of the following:

- the date when the application was given in a newspaper, the date when it was first so given in a newspaper or the date when the applicant displayed the Notice again from a special notice;
- the date when the application was made to them.

The Licensing Authority shall be competent for a Licensing Authority to entertain an objection or representation if the objection or representation is made in writing or posted (by registered or recorded post) so that it is received by them within that time.

The Licensing Authority shall be competent for a Licensing Authority to entertain an objection or representation if the objection or representation is made in writing or posted (by registered or recorded post) so that it is received by them within that time.

Page 21





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21:59



12 WHINNY BRAE, BROUGHTY FERRY, DUNDEE, DD5 2HW

Current Value



Ref No.	327651
Assessor	<u>TAYSIDE VJB</u>
Description	SELF CATERING UNIT
Property Address	12 WHINNY BRAE BROUGHTY FERRY DUNDEE DD5 2HW
Proprietor	MACARTHUR PROPERTIES
Tenant	
Occupier	

Net Annual Value	£2,600
-------------------------	--------

Valuation Mark	
-----------------------	--

Rateable Value £2,600

Effective Date 01-APR-23

New / Improved Mark

AA 

 saa.gov.uk



Sent from my iPhone



TITLE NUMBER ANG69731

D 12

D. BURDENS SECTION

4. The Flats

4.1. Each of the Flats (including the House) shall be used and occupied in all time coming as a private dwellinghouse for the use and occupation of one household only or for support purposes, designated and approved by the Manager and for no other purpose and, in particular but without prejudice to the foregoing generality the Flats (including the House) shall not be subdivided.

4.2. None of the Flats (including the House) shall be used in whole or in part for the purpose of any trade, business, profession or manufacturing process and that whether or not such trade, business, profession or manufacturing process might be deemed incidental or natural to the ordinary residential use of that Flat except with the Manager's Consent.

4.3. No internal structural or external alterations or additions shall be made to any Flat (including the House) or to any part thereof except with the Manager's Consent, which consent shall not be unreasonably withheld. Any alterations must conform in all respects to all relevant Local Authority, Town and Country Planning or other relevant statutes and current building regulations and must also comply with the terms of the planning permission obtained by the Owner for the Development, all gas or electric installations will comply with the requirements of the relevant statutory undertakers. Without limitation to the foregoing no additions or alterations or replacements shall be made to the Light Fittings except with the Owner's Managers Consent and notwithstanding the issue of such Consent at all times the Light Fittings shall require to comply with the then current building and fire regulations.

4.4. In order to preserve uniformity in the external appearance of the Development (1) no change shall be made in the colour scheme or mode of decoration or finish of the exterior of any Flat (including the House), (2) no notice, plate, sign or other similar device (other than "For Sale" or "For Lease" signs) shall be erected or affixed to or suspended from the outside walls or windows of any Flat (including the House), and (3) no television or other aerials or satellite dishes or other similar equipment may be installed or erected on the roof or walls of any Flat (including the House), in each case except with the Manager's Consent.

4.5. Each Proprietor shall be liable in all time coming for the Maintenance of the Flat (including the House) and car parking space

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Fw: Licensing Committee - 8th August 2024 - 12 Whinny Brae

licensing.board <licensing.board@dundeecity.gov.uk>

Tue 06/08/2024 10:56

To: Elaine Doak <elaine.doak@dundeecity.gov.uk>

📎 1 attachments (107 KB)
SELMF22324062813430.pdf;

Another one

Auds

Licensing Department,
Dundee City Council, 21 City Square, Dundee DD1 3BY
Email : licensing.board@dundeecity.gov.uk
Tel : 01382 434444

From: Paul Cattigan <[REDACTED]>
Sent: 30 July 2024 21:24
To: licensing.board <licensing.board@dundeecity.gov.uk>
Cc: Paula Roberts <[REDACTED]>
Subject: Re: Licensing Committee - 8th August 2024 - 12 Whinny Brae

Good Evening Pamela,

Thank you for you for your email regarding this matter.

I confirm I would like to attend the meeting on Teams and my email for Teams is [REDACTED].

The Eastern Residences Factor Paula Roberts, from Trinity Property Factoring Services would also like to attend and the details are as follows, Paula Roberts, Mobile [REDACTED], email [REDACTED].

Below is a copy of my original submission, and I have added 2 Pdf's below showing the extract from my Title Deed of Conditions and a screen shot of the Scottish assessors Website which are both referred to in point 2 of my objection below.

Trust this is all in order.

Best Regards

Paul Cattigan

D P Cattigan
[REDACTED]

Broughty Ferry
Dundee
DD52HW

Dear DCC Licensing Committee,

I wish to object to the Licencing application made by Macarthur properties in relation to 12 Whinny Brae, Broughty Ferry, Dundee DD5 2HW based on the following points;

1. Co-Owners Vote, the Eastern Residences Owners Association Committee balloted owners on the 31st May 2022 asking if owners were For or Against properties within the development being used for Short Term Lets. Owners voted as follows No-20 votes, Yes-1 vote, No Reply-4 and No Contact details held-2. The Development is formed of 27 Apartments.

2. Real Burdens, Sections 4.1 and 4.2 of the development deed of conditions are real burdens restricting the permitted uses of flats within the building.

As such, permission should have be sought to operate the flat as a short-term let business from the co-proprietors/Manager. As identified in point one this permission from co-owners would not be granted.

The property in question is no longer listed under the Council Tax register (unlike all other properties) but appears on the Rateable Value register described as a Self-Catering Unit. This is a business rate as opposed to a domestic rate and I would suggest indicates a change of use contrary to the Real Burdens.

3. The Eastern Residences has an older demographic and a high owner occupancy level, and In reporting the issue, some members have identified that the operation of a short-term let within the building constitutes a material detriment to the value and enjoyment of their properties.

It is widely documented that a revolving door of guests can lead to violation of rules and regulations, including noise, and parking issues. Some of which have already been witnessed.

4. The Short term Let property does not have its own main door entry and therefore has to use the Communal Entrance. The current owner has attached a padlock style key safe to an external Gas Pipe, however co-proprietors are conscious that his managing agency shares the door entry code with their guests undermining the development security.

5. Allowing a short term let against the wishes of co-proprietors has the potential to attract other future property investors to follow and the concern would be an imbalance to the development.

6 Given the shortage of accommodation within Dundee at the moment, it is strongly felt that longer term let options would be more beneficial to not only the development but to the wider community.



Best Regards

Paul Cattigan

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It is the responsibility of the recipient to ensure that the onward transmission, opening or use of this message and any attachments will not adversely affect their systems or data. Please carry out virus and other such checks as you consider appropriate.

EROA Secretary & Treasurer

Private and Confidential: This e-mail transmission is strictly confidential and intended solely for the person or organisation to whom it is addressed. It may contain privileged and confidential information and if you are not the intended recipient, you must not copy, disclose, distribute or take any action in reliance on it. If you have received this e-mail in error, please delete it.

It is the responsibility of the recipient to ensure that the onward transmission, opening or use of this message and any attachments will not adversely affect their systems or data. Please carry out virus and other such checks as you consider appropriate.

On 25 Jul 2024, at 15:14, licensing.board <licensing.board@dundee.gov.uk> wrote:

Good afternoon,

I am writing to advise the application together with your objection will be considered by the Licensing Committee at its meeting to be held on the **8th August 2024 at 10am**.

The request will be dealt with either by way of written submissions or by way of a MS Teams meeting, whichever you wish.

If you wish to take part by way of written submissions only, you should send the submissions no later than **1st August 2024** to licensing.board@dundee.gov.uk.

Alternatively, if you wish to take part by MS Teams, you should advise licensing.board@dundeecity.gov.uk of your email address by **7th August 2024** and we will send you the MS Teams link to join the meeting on **8th August 2024**. You can also give us contact details of your representative and they may also attend the meeting with you. We will need their name, phone number and email address by **7th August 2024**.

We will deal with all the items on the Agenda which are non-confidential first, then we will deal with all the items which are confidential. If your Item is confidential, you will be asked to leave the meeting after the non-confidential matters have been completed, then re-join and wait in the lobby until your application/hearing is called at which time you will be invited back into the meeting.

If we don't hear from you by **7th August 2024** then in accordance with normal practice your request will be heard in your absence.

Kind Regards

Pamela

Licensing Department,
Dundee City Council, 21 City Square, Dundee DD1 3BY
Email : licensing.board@dundeecity.gov.uk
Tel : 01382 434444





TITLE NUMBER ANG69731

D 12

D. BURDENS SECTION

4. The Flats

4.1. Each of the Flats (including the House) shall be used and occupied in all time coming as a private dwellinghouse for the use and occupation of one household only or for support purposes, designated and approved by the Manager and for no other purpose and, in particular but without prejudice to the foregoing generality the Flats (including the House) shall not be subdivided.

4.2. None of the Flats (including the House) shall be used in whole or in part for the purpose of any trade, business, profession or manufacturing process and that whether or not such trade, business, profession or manufacturing process might be deemed incidental or natural to the ordinary residential use of that Flat except with the Manager's Consent.

4.3. No internal structural or external alterations or additions shall be made to any Flat (including the House) or to any part thereof except with the Manager's Consent, which consent shall not be unreasonably withheld. Any alterations must conform in all respects to all relevant Local Authority, Town and Country Planning or other relevant statutes and current building regulations and must also comply with the terms of the planning permission obtained by the Owner for the Development, all gas or electric installations will comply with the requirements of the relevant statutory undertakers. Without limitation to the foregoing no additions or alterations or replacements shall be made to the Light Fittings except with the Owner's Managers Consent and notwithstanding the issue of such Consent at all times the Light Fittings shall require to comply with the then current building and fire regulations.

4.4. In order to preserve uniformity in the external appearance of the Development (1) no change shall be made in the colour scheme or mode of decoration or finish of the exterior of any Flat (including the House), (2) no notice, plate, sign or other similar device (other than "For Sale" or "For Lease" signs) shall be erected or affixed to or suspended from the outside walls or windows of any Flat (including the House), and (3) no television or other aerials or satellite dishes or other similar equipment may be installed or erected on the roof or walls of any Flat (including the House), in each case except with the Manager's Consent.

4.5. Each Proprietor shall be liable in all time coming for the Maintenance of the Flat (including the House) and car parking space

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Search

Enter address or postcode below

Search by Region

Council Tax Search

Rates Search

[New search](#) [Switch to Advanced Rates Search](#)

List

Map

Found 1 match. Displaying 1 to 1. Last updated 29/07/2024 11:30

<u>Ref No.</u>	<u>Description</u>	<u>Property Address</u> ▲	<u>Occupier</u>	<u>Current Rateable Value</u>	<u>More Information</u>
<u>32765</u> 1	SELF CATERING UNIT	12 WHINNY BRAE BROUGHTY FERRY DUNDEE DD5 2HW	MACARTHUR PROPERTIES	£2,600 effective from 01-APR-23	View More

Results page: 1

To lodge an appeal you must select the individual property by clicking on the address in the More Information column.

Searching 3,096,104 records

Search Engine v2.0.0

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City Chambers
DUNDEE
DD1 3BY

31st July, 2024

Dear Colleague

The undernoted members are requested to attend a MEETING of the **LICENSING COMMITTEE** to be held remotely on Thursday, 8th August, 2024 at 10.00 am.

Members of the Press or Public wishing to join the meeting should contact Committee Services on telephone (01382) 434211 or by email at committee.services@dundee.gov.uk by no later than 5.00pm on Tuesday, 6th August, 2024.

Please submit any apologies for absence to Elaine Doak, Committee Services Officer, on telephone 01382 434211 or email elaine.doak@dundee.gov.uk.

Yours faithfully

GREGORY COLGAN

Chief Executive

Depute Lord Provost Kevin CORDELL

BAILIE Christina ROBERTS

COUNCILLORS

Stewart HUNTER
Roisin SMITH

George McIRVINE

Wendy SCULLIN
Daniel COLEMAN

AGENDA OF BUSINESS

The Committee is reminded of the quasi-judicial nature of the meeting and that in accordance with Standing Order No 34(4) only those members who are present during the whole of the proceedings may take part in the deliberation.

1 DECLARATION OF INTEREST

Members are reminded that, in terms of The Councillors Code, it is their responsibility to make decisions about whether to declare an interest in any item on this agenda and whether to take part in any discussions or voting.

This will include all interests, whether or not entered on your Register of Interests, which would reasonably be regarded as so significant that they are likely to prejudice your discussion or decision-making.

2 LICENSING SUB-COMMITTEE – MINUTE OF MEETING

The minute of meeting of the Licensing Sub-Committee held on 15th July, 2024 is attached for noting **(Appendix 1). - Page 1**

3 CIVIC GOVERNMENT (SCOTLAND) ACT 1982

(a) NEW APPLICATIONS GRANTED UNDER DELEGATED POWERS

MARKET OPERATOR – NEW APPLICATION

No	Name	Address of Premises
1	Hope Consulting (Scotland) Limited	Services The Steeple Church & Outdoor Garden Space

PUBLIC ENTERTAINMENT – NEW APPLICATIONS

No	Name	Location	Date of Event
1	Dundee Football Club	Bobby Cox Stand, Dens Park	8th June, 2024
2	Catherine Fraser	Ferraris Bar	14th June, 2024
3	Cancer Research UK	Camperdown Park	16th June, 2024
4	22A Events Ltd	Riverside Park	14th June, 2024 to 17th July, 2024
5	Dundee Price SCIO	Slessor Gardens	15th June, 2024
6	Sun Nails & Spa Ltd	9 Panmure Street	Full
7	The Global Routes Corporation Ltd	Riverside Park	26th June, 2024 to 7th July, 2024
8	Broughty Ferry Traders Association	Castle Green Broughty Ferry	30th June, 2024
9	Abertay University	City Square	12th July, 2024
10	Dundee Instrumental Bank (St Margaret's)	Magdalen Green and Baxter Park	7th July, 2024 to 4th August, 2024
11	City Development	City Square & Slessor Gardens	6th July, 2024 to 7th July, 2024
12	NK2N Hotels (Glasgow) Ltd	The Landmark Hotel	Full
13	Freyas Wish	20/24 Dura Street	25th July, 2024 to 5th September, 2024
14	Fake Festivals	Lochee Park	20th July, 2024

PRIVATE HIRE OPERATOR - NEW APPLICATIONS

No	Name	Address
1	Taxi Dundee Ltd	18 Kingsway Terrace
2	John McGuckin	173 Tweed Crescent
3	Ansaar Younis	Bullionfield
4	HALA A2B Ltd	2/1, 26 Lansdowne Square
5	Florian M Luta	92A Balunie Street
6	Raygan1982 Ltd	22 Wellburn Street
7	John McGuckin	173 Tweed Crescent

SECOND HAND DEALER - NEW APPLICATION

No	Name	Address of Premises
1	Genlo Tech Ltd	27/29 Hilltown

SKIN PIERCING & TATTOOIST - NEW APPLICATIONS

No	Name	Name of Premises
1	Liam McLean	Carpe Diem, 15 Arbroath Road
2	Emily Hunter	Carpe Diem, 15 Arbroath Road
3	Gwenolynn Francis (Lynn) Van Vurren	
4	Claire Scullion	Forte Beauty Clinic, 312 Broughty Ferry Road

TAXI DRIVER - NEW APPLICATIONS

No	Name	Address
1	Muneer Khan Noori	119B Kingsway East
2	Grant Hill	37 Charlotte Close
3	Khurram Latif	107 Midmill Road
4	Mohammed Karaghool	15 Roseburn Gardens
5	Zbigniew Zaluska	50 Ravenscraig Road
6	Garry Hunter	65 Traquair Gardens
7	Sebastian Ociepka	49 Leith Walk
8	Barry Birse	7 Troon Road

(b) STREET TRADER – NEW APPLICATION

No	Name	Address
1	Lee A Donnelly	21 Donalds Court

A request has been made to remove conditions 9 and 10 (**Appendix 2**). - Page 3

(c) TAXI OPERATOR – CORPORATE PLATE – NEW APPLICATIONS

No	Name	Address
1	Tayside Taxis Ltd	29 Jamieson Way, Alyth

This is an application for a Taxi Licence to replace an existing Taxi Operator's Licence with an electric vehicle. The existing licence holder is Christopher Scaife OP303. Director of Tayside Taxis Ltd are Christopher Scaife, Saiful Islam & John Reddy.

2 Glamis Cabs Ltd 1 Glamis Street

This is an application for a Taxi Licence to replace an existing Taxi Operator's Licence with an electric vehicle. The existing licence holder is Alan Clark OP724. Directors of Glamis Cabs Ltd are Alan Clark and Sikunder Butt.

(d) TAXI OPERATOR – REQUESTS FOR EXTENSION OF TIME TO PLACE VEHICLE ON SERVICE

No	Name	Address
1	FMC (Scotland) Ltd	Unit L, Charles Bowman Avenue

The Licensing Committee at its meeting held on the 25th April, 2024 agreed to grant a further extension and bring back for an update. Vehicle has still not been tested.

2 Maureen Martin 46 Poplar Road, Clayton Caravan Park

The Licensing Committee at its meeting held on the 23rd May, 2024 agreed to grant a further extension and bring back for an update. Vehicle has still not been tested.

3 City Centre Cabs Charles Bowman Way

A further request has been made for extensions of time to place vehicle on service. Two previous extensions have been granted.

4 Robert Sinclair Blackmuir of Liff

A further request has been made for extensions of time to place vehicle on service. Two previous extensions have been granted.

4 HOUSING (SCOTLAND) ACT 2006

(a) HOUSES IN MULTIPLE OCCUPATION – DELEGATED – NEW APPLICATIONS

The undernoted applications have been received:-

No	Name	Person Responsible	Address
1	Braeside Medical Ltd	Easylets Ltd	20a Thomson Street
2	KWP (Glasgow) Ltd	Pavillion Properties Ltd	2/1, 1 Bellefield Avenue
3	NKL Properties Ltd	Westport Property Ltd	2/1, 52 Seafield Road

(b) HOUSES IN MULTIPLE OCCUPATION – DELEGATED – VARIATIONS

The undernoted applications have been received:-

No	Name	Person Responsible	Address
1	Fatemeh Darvandzadeh	Harland (UK) Ltd t/a Premier Property Management	15 Constitution Crescent
2	Fatemeh Darvandzadeh	Harland (UK) Ltd t/a Premier Property Management	5 Constitution Crescent
3	Halls Homes International Ltd	Property Opportunity Ltd (Trading as Propop)	89 Albert Street
4	Mr Quentin Slight and Ms Cerys Evans	Property Opportunity Ltd (Trading as Propop)	1/3, 17 Bellefield Avenue
5	Anthony Murray	Property Opportunity Ltd (Trading as Propop)	3/1, 14 Forfar Road

(c) HOUSES IN MULTIPLE OCCUPATION - UPDATES

The undernoted applications have been received: -

No	Name	Person Responsible	Address
1	EJH McBride Ltd	Sandstone UK Property Management Solutions Ltd	24D Constitution Road

The Licensing Committee at its meeting held on the 7th September, 2023 agreed to grant the application and bring back for an update. The original objection is attached **(Appendix 3)**. - **Page 5**

2	NHS Tayside	NHS Tayside	Ninewells Residences
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The Licensing Committee at its meeting held on the 5th October, 2023 agreed to grant the application and bring back for an update. The original letter from PSSU is attached **(Appendix 4)**. - **Page 7**

3	Vecosi Property Limited	Easylets Ltd	14b Thomson Street
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The Licensing Committee at its meeting held on the 11th January, 2024 agreed to grant the application and bring back for an update to allow all works to be carried out. The original letter from PSSU is attached **(Appendix 5)**. - **Page 9**

(d) HOUSES IN MULTIPLE OCCUPATION – NEW APPLICATION

No	Name	Person Responsible	Address
1	Dundee City Council	Dundee City Council Children & Families	7 Fairbairn Street

A letter of representation has been received from PSSU – copy attached **(Appendix 6)**. - **Page 11**

5 CIVIC GOVERNMENT (SCOTLAND) ACT 1982, (LICENSING OF SHORT-TERM LETS) ORDER 2022

(a) SHORT-TERM LETS – DELEGATED – NEW APPLICATIONS

The undernoted applications have been received:-

No	Name	Person Responsible	Address
1	DD Property Ltd	DD5 Property Ltd	G/1, 7 Hilltown Court
2	Ajaz Ali Mohammed	Ajaz Ali Mohammed	87 Byron Crescent
3	Sharron Devine & Benjamin Scappatiuccio		69 Castle Street
4	Inverary Properties Ltd	Clark Anderson Properties Ltd	69 Castle Street
5	Andrew Marnie		207 Fisher Street
6	Clark Anderson Properties Ltd	Clark Anderson Properties Ltd	G/O, 163 Princes Street
7	Parveen Jassal	3 Sisters Rentals	G/L, 48 Crescent Lane
8	Ozan Aziz		2/1, 6 Stirling Street
9	Jane Martin		22L Marine Parade Walk
10	MyCostApartments Ltd	Gordon Duncan	G/2, 54 Provost Road
11	Charles Gough		12 Avon Place
12	Athollbank House	Robert Skene	19 Thomson Street
13	Sunrise Short Stays Ltd		28G Baldovan Terrace
14	Anderson (CCNA) Properties Ltd		10 Madeira Street
15	Anderson (CCNA) Properties Ltd		3B Eden Street
16	Anderson (CCNA) Properties Ltd		2/2, 87 Watson Street

17	Anderson (CCNA) Properties Ltd		13D Rosefield Street
18	Merry Berry Property Ltd		93 King Street
19	Mr and Mrs B Gibson Rental (Partnership)	Mr and Mrs B Gibson Rental (Partnership)	138A King Street
20	Iona and Graeme Nicoll	Iona Nicoll	29 Pleasance Court
21	Jeanette French		426 Perth Road
22	Neil Danskin and Derek Murray	NXD Properties Limited	G/2, 33 Taits Lane
23	Tayfield Investments Ltd	Stephen Cumming	2/4 Jetty Lane
24	Tayfield Investments Ltd	Stephen Cumming	5 David Street
25	Alison and Scott McCallum	Alison McCallum	17 Gray Street
26	Shafik Rafik		G/2, 22 Lorimer Street
26	RRT Property Holding Ltd	Sunrise Short Stays Ltd	21 Dochart Terrace
27	Kaiser Zaman	Sunrise Short Stays Ltd	14 Springhill Gardens
28	Kasas Properties Ltd	Stuart Mather	32 Cowgate

(b) SHORT-TERM LETS – UPDATE

No	Name	Person Responsible	Address
1	Jean Jarvis	Jean Jarvis	1a Gray Street, Broughty Ferry

The Licensing Committee at its meeting held on the 7th December, 2023 agreed to grant the application and bring back for an update. The original objections are attached (**Appendix 7**). - **Page 13**

(b) SHORT-TERM LETS – NEW APPLICATIONS

No	Name	Person Responsible	Address
1	James Thornton and Stacey Brown	James Thornton	36D Castle Street

The Licensing Committee at its meeting held on the 25th April, 2024 agreed to defer the application to allow all outstanding works to be carried out. The original letter from PSSU is attached (**Appendix 8**). - **Page 19**

2	DD5 Property Ltd	DD5 Property Ltd	32 Windsor Street
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A letter of objection has been received from a member of the public – copy attached (**Appendix 9**). - **Page 21**

3	Stephanie MacGregor-Cross and Justain Cross-Wolfrest	Clark Anderson Properties Ltd	168 St Vincent Street
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A letter of objection has been received from a member of the public – copy attached (**Appendix 10**). - **Page 23**

4 MacArthur Properties Ltd Clark Anderson 12 Whinny Brae
Properties Ltd

Letters of objections have been received from members of the public – copies attached
(Appendix 11). - Page 25

5 Marcus and Jillian Greenhill Clark Anderson 4 Carbet Castle, 3 Cambhill Road
Properties Ltd

Letters of objections have been received from members of the public – copies attached
(Appendix 12). - Page 57

6 Andrew M Stewart 41 Marine Parade

A letter of objection has been received from a member of the public – copy attached **(Appendix 13). -
Page 61**

7 S & O Castle Property Ltd Clark Anderson 9A Castle Street
Properties Ltd

Letters of objections have been received from members of the public – copies attached
(Appendix 14). - Page 63

8 Aliona and Hugh Aliona Levins 596 Perth Road
Levins

A letter of representation has been received from PSSU – copy attached **(Appendix 15). - Page 67**

The Committee may resolve under Section 50(A)(4) of the Local Government (Scotland) Act 1973 that the press and public be excluded from the meeting for the undernoted items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 3, 6 and 9 of Part I of Schedule 7A of the Act.

6 CIVIC GOVERNMENT (SCOTLAND) ACT 1982

(a) TAXI DRIVER - NEW APPLICATIONS

(b) TAXI DRIVER – SUSPENSION HEARINGS

(c) TAXI OPERATOR'S – REQUESTS FOR VARIATION

(d) PRIVATE HIRE DRIVER/PRIVATE HIRE OPERATOR – REQUEST FOR SUSPENSION
HEARING

(e) TAXI DRIVER – REQUEST FOR SUSPENSION HEARING

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At a MEETING of the **LICENSING SUB-COMMITTEE** held remotely on 15th July, 2024.

Present:-

Councillor Stewart HUNTER
Baillie Christina ROBERTS
Councillor George McIRVINE

Councillor Stewart HUNTER, Convener, in the Chair.

Unless marked thus * all items stand delegated.

The Convener agreed that the undernoted item of business be considered as a matter of urgency in terms of Standing Order No 17(b) in view of the timescales involved.

The Sub-Committee resolved under Section 50(A)(4) of the Local Government (Scotland) Act 1973 that the press and public be excluded from the meeting for the undernoted item of business on the ground that it involved the likely disclosure of exempt information as defined in paragraphs 3, 6 and 9 of Part I of Schedule 7A of the Act.

I DECLARATION OF INTEREST

No declarations of interest were made.

II CIVIC GOVERNMENT (SCOTLAND) ACT 1982

(a) TAXI DRIVER'S LICENCE – REQUEST FOR IMMEDIATE SUSPENSION

There was submitted a letter of information from the Chief Constable relative to the alleged conduct of N A during the currency of their Taxi Driver's Licence.

The Sub-Committee gave consideration to the content of the letter. Thereafter, having heard the representative of the Chief Constable and consideration of the advice of the Legal Officer, the Sub-Committee agreed that the Taxi Driver's Licence held by N A be suspended with immediate effect and that a suspension hearing be held on 8th August, 2024 in relation to the fitness of N A to be the holder of a Taxi Driver's Licence.

Stewart HUNTER, Convener.

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RE: Application for Street Trader
License for Wheel Trims
Peripatetic Barbershop:
Request for removal of
conditions 9 & 10

I wish to request removal of conditions 9 & 10 for the above application, on the basis that the services I intend to provide will be too severely prohibited by a 15 minute restriction.

This would prove to be impossible for the provision of a good quality level of barbering/ grooming service for clients, and so for this reason I kindly request that the removal of conditions 9 & 10 be permitted in this case.

Kind regards,
Lee Donnelly

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The Residents
[REDACTED]
[REDACTED]
[REDACTED]

Head of Democratic and Legal Services
21 City Square
Dundee
DD1 3BY

21st October 2022

Dear Sir/Madam

Application for HMO Licence at 24D Constitution Road, Dundee, DD3 6NB

The below named residents of [REDACTED] wish to lodge an objection to the granting of an HMO licence at the above named property.

In the past we were successful in stopping HMO licences being granted to any of the flats in our building including the two basement flats on Constitution Road due to issues with noise and mess being created by mainly students occupying some of these flats. We would like to point out that several of the residents in this block have lived here for over 30 and 40 years and we are not a block occupied by students. There have been issues with the last tenants of the flat in question with loud parties which can be heard through the floor of the ground floor flats as well as people congregating in the communal back garden causing noise late at night and leaving litter which we are left to clear up. We appreciate these tenants are not longer there and the flat has been recently refurbished but presume this has been done with the intention of renting to a number of students given it has 3 bedrooms.

We feel it is too easy to just treat the buildings in this street as student accommodation and not give consideration for the home owners who have lived here for a long time and who already have to endure some noise and mess in the street from other properties. In the previous rejection of the HMO licence application it was deemed this property was unsuitable for such use and we feel nothing has changed to alter this decision.

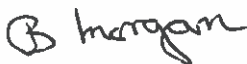
We trust you will take these points into consideration when assessing the suitability of an HMO licence for this property.

Yours faithfully

Miss H Watt
[REDACTED]



Mrs B Morgan
[REDACTED]



Mr & Mrs A Cross
[REDACTED]



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Memorandum

To **SENIOR ELECTORAL SERVICES & LICENSING OFFICER, SUPPORT SERVICES**

From Gabrielle Hayes – Ext. 6842

Our Ref GH HMO/3104

Your Ref

Date 20 September 2023

Subject **Housing (Scotland) Act 2006 - Part 5
Ninewells Hospital & Medical School, Ninewells, Drive, Dundee – NHS Tayside
(149 persons)
5 October 2023 Licensing Committee**

In respect of the above application, I would make the following observations in regard to a licence being issued for a house in multiple occupation to the period 30 September 2025:

- The following items identified following an inspection by PSSU on 18, 19 and 20 October 2022 remain outstanding:

Block B

1. B5 003 – Fire door handle and lock loose – repair required.
2. B6 018 – Window trickle vent lever stuck – repair required.

Block F

3. F2 035 (living/kitchen) – Fire door not latching – repair required.

Block G

4. G1 007 – Signs of leak and mould growth at ceiling. Investigate cause, repair and repaint.
5. G2 016 (utility) – Signs of significant leak visible. Plasterboard from ceiling missing and ad-hoc drainage solution in place which is draining into sink. Leak appears to be current. Investigate cause, repair and repaint.
6. G2 035 – Signs of leak and hole in ceiling. Investigate cause, repair and repaint.

- Scottish Fire and Rescue inspected this property on 18 October 2022 and have no objection to a licence being granted.
- The previous licence for this property expired on 30 September 2022 and no validation application was received prior to that date. Consequently, a new application was required which was received on 24 October 2022 therefore the last scheduled Committee for it to be determined is 5 October 2023.



GABRIELLE HAYES
PRIVATE SECTOR SERVICES MANAGER

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Memorandum

To **SENIOR ELECTORAL SERVICES & LICENSING OFFICER, SUPPORT SERVICES**

From Gabrielle Hayes – Ext. 6842

Our Ref GH HMO/3113

Your Ref

Date 20 December 2023

Subject **Housing (Scotland) Act 2006 - Part 5**
14 Thomson Street (Flat 2) – Vecosi Property Limited
11 January 2024 Licensing Committee business **(4 persons)**

In respect of the above application, I would make the following observations in regard to a licence being issued for a house in multiple occupation to the period 30 September 2026:

- The following items identified following an inspection by PSSU on 19 December 2023 remain outstanding:

Hallway

1. Shampoo or consider replacing hall carpet.
2. Provide confirmation that loft hatch and grille provides 30mins fire resistance.

Living Room

3. Signs of a leak visible on walls and ceiling. Easylets have confirmed that a survey of the attic / roof space has been undertaken and that the leak originates at the roof. Roof repairs should be carried out to stop the leak and the affected areas of walls and ceiling should be redecorated.

Kitchen

4. Signs of a leak visible on wall and ceiling. Easylets have confirmed that a survey of the attic / roof space has been undertaken and the leak originates in the roof. Roof repairs should be carried out to stop the leak and the affected areas of walls and ceiling should be redecorated.

Bathroom

5. Radiator valve is broken. Replacement radiator valve requires to be fitted.
6. Remove flaking paint from ceiling and repaint.
7. Provide a suitable locking mechanism to the inside of the bathroom door.

Documentation

8. The plan drawing requires to be amended and re-submitted to swap bedroom 4 and living room designations, since the use of these rooms is different to what which is indicated on the current plan.
 9. Provide current Buildings & Public Liability insurance documents.
 10. Provide a current Gas Safety Certificate.
 11. Provide a current Portable Appliance Test certificate.
- Scottish Fire and Rescue inspected this property on 19 December 2023 and have no objection to a licence being granted.

- Due to a backlog of inspections and a shortage of resources within PSSU this property was inspected very late. This application was received on 20 January 2023 therefore the last scheduled Committee for it to be determined at is 11 January 2024.



GABRIELLE HAYES
PRIVATE SECTOR SERVICES MANAGER

Memorandum

To **SENIOR ELECTORAL SERVICES & LICENSING OFFICER, SUPPORT SERVICES**

From Gabrielle Hayes – Ext. 6842

Our Ref GH/PC HMO/3205

Your Ref

Date 26 July 2024

Subject **Housing (Scotland) Act 2006 - Part 5**
7 Fairbairn Street, Dundee – DCC Children & Families Services (6 persons)
08 August 2024 Licensing Committee

In respect of the above application, I would make the following observations in regard to a licence being issued for a house in multiple occupation to the period 30 September 2026:

The following items identified following an inspection by PSSU on 07 June 2024 remain outstanding:

Bedrooms

1. Bedroom 1 - Re-secure BT box to ceiling in Bedroom 1 and fill hole in ceiling to meet with Scottish Fire and Rescue Service requirements.
2. Bedrooms 2, 3, 4, 5 and 6 - Do not have windows which provide the required aggregate glazed area equal to at least 1/15 of the floor area of the rooms they serve.

Living Room

3. Living room - Does not have a window which provides the required aggregate glazed area equal to at least 1/15 of the floor area of the rooms they serve.

Kitchen

4. Kitchen – Provide a carbon monoxide detector suitably located between one and three metres from the range cooker.
5. Kitchen - Re-fit edging strips to wall above splash-back, at left of dishwasher and right of sink.

Shower Rooms

6. Shower Room 1 - Repaint damaged radiator cover.
7. Shower Room 1 - Fill gap at ceiling around light switch pull cord rose, to meet Scottish Fire and Rescue Service requirements.

Laundry

8. Laundry - Sand and re-stain internal cill.

General

9. Provide a floor plan of the premises. This should be to a suitable metric scale
 - Scottish Fire and Rescue inspected this property on 12 June 2024 and have no objection to a licence being granted.
 - This application was received on 29 May 2024.



GABRIELLE HAYES
PRIVATE SECTOR SERVICES MANAGER

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Broughty Ferry
Dundee[REDACTED]
[REDACTED]
21st September 2023.

Head of Democratic & Legal Services
Dundee City Council
21 City Square
Dundee
DD1 3B7

Dear Sirs/Madams,

I write regarding the current application for licence for [REDACTED] Gray Street, Broughty Ferry, Dundee, DD5 2BH.

This is a letter of objection to said application.

This is due to the fact that the building, which I am a part of, could be considered a 'Shared House', and I believe, if not am sure of, would impact the established relationships already nurtured between the long term residents of both our building and would quite possibly effect our adjoining neighbours.

The reason for my objections, which is that of others; Security, noise issues, and damages, which will occur to all properties.

I hope this letter finds yourself, and the applicant in goodwill

Regards

Max Dakers



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From: Robert Millar [REDACTED]
Subject: 1A Gray Street Broughty DD5 2BH Dundee .
Date: 19 Sep 2023 at 14:00:36
To: Dundee City council Democracket and Legal City Council. 21City
Square Dundee DD1 3BY
Cc: Robert M [REDACTED]
Bcc: Robert M [REDACTED]

To whom it concerned I object to letting out at above Property, much as I appreciate The owner there is NO Deading between her house and mind as I stay [REDACTED] Gray Street Broughty Ferry and feel that Nosie issues will occur apart from Parking issues and Shareing Gardening forWashing line Ect.

As I have lived here 15 years at least I hope this taken in account as I Love my House .

Bob Millar .

Sent from my iPad



Sent from my iPad



Handwritten notes, possibly a signature or date, appearing as bleed-through or a separate note.

Small handwritten marks or initials.

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Received 18 September, 2023

[REDACTED]
Broughty Ferry
Dundee
DD5 1RE

15 September 2023

Head of Democratic and Legal Services
Dundee City Council
21 City Square
Dundee
DD1 3BY

Dear Sirs,

Application for a Short-term let Licence at

1A Gray Street, Broughty Ferry, Dundee, DD5 2BH

I refer to the Notice that application has been made for a short-term let at the above property and make the following objections and representations:

1. The Notice at the property is not dated, so it is unclear when objections must be made by.
2. The property is part of a block of four flats with an established long-term residential nature and the proposal for short-term lets would disrupt the amenity of the other occupants in the block.
3. There is likely to be an increased noise nuisance from the number of different short-let tenants.
4. The short-let tenants will have no long-term connection with the other neighbours and no interest in developing a long-term neighbourly relationship.
5. The block of four flats has a small communal garden and numerous different short-let tenants will have a detrimental effect on the other occupiers' use of the garden.
6. The access door and stairwell are communal and numerous different short-let tenants will disrupt the neighbours.
7. I would ask that the Licensing Committee and the applicant consider how they would feel having a short-term let property above or next door to their home.

Yours faithfully,



Steven Dakers

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Housing

CHANGING FOR THE FUTURE

Memorandum

O;I;

To **SENIOR ELECTORAL SERVICES & LICENSING OFFICER, SUPPORT SERVICES**

From Gabrielle Hayes – Ext. 6832

Our Ref GH STL/ DD00026N

Your Ref

Date 17 January 2024

Subject **Civic Government (Scotland) Act 1982 - (Licensing Of Short-term Lets) Order 2022**
36D Castle Street, Dundee – Mr James Thornton & Ms Stacey Brown (3 persons)
SECONDARY LETTING
1 February 2024 Licensing Committee

In respect of the above application, I would make the following observation in regard to a licence being issued for a Short-term Let to the period 31 January 2027:

- The following items, identified during an inspection on 12 September 2023 remain outstanding:

Bedrooms

1. Bedroom 1 – Ensure window is fully operational (window not opening on tilt and difficult to close on turn).
2. Bedroom 1 – Re-secure window seals on left and right of window.
3. Bedroom 2 – Ensure door is closing on the stops and held by the latch.

Livingroom

4. Ensure right hand window is fully operational (coming away from the hinge when on turn).

- This application was received on 22 May 2023 and therefore the last scheduled Committee for this to be determined at is 1 February 2024.

GABRIELLE HAYES
PRIVATE SECTOR SERVICES MANAGER

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██████████or Street
Dundee
Scotland
DD2 1BL

REF. Property 32 Windsor Street, Dundee, DD2 1BL

Dear Licensing team

We, James Lauchlan and Suzanne Cumiskey, ██████████ Windsor Street, Dundee, DD2 1BL are writing to you in order to register an objection to the application for a Short Term Let License at 32 Windsor Street, Dundee DD2 1BL.

The reasons for our objection to this are as follows: -

1. Public Notification

In previous communications with Dundee City Council, we were advised we would have the opportunity to place an objection to any STL application. We were also advised that we would be notified by way of a Public Notice of information being displayed by the applicant outside the property. The STL application for 32 Windsor Street, Dundee, DD2 1BL was submitted in August and we have not been notified of the application and can confirm there are no visible notices outside the property. This is something we have repeatedly checked. It is our understanding the property owner is meant to have displayed a public notice of the intent to apply for an STL licence and is therefore in breach.

2. Change of Use

We do not believe the property owner at 32 Windsor Street, Dundee, DD2 1BL has ever submitted a 'change of use' application for the property when it was initially purchased and converted to a Short Term Let. We would have assumed we would have been notified IF change of use was being sought. The property which previously had one owner, now sleeps 8. Renovations to the property were made post purchase, including building into the basement. Our property shares common areas beneath the floorboards this has led to sound and noise travelling directly under the floorboards to our property. The property isn't sufficiently sound proofed, and we would expect sound proofing to be completed prior to any STL being granted.

3. Public Nuisance

The area is popular with students and therefore already has a large number of HMO properties with multiple residents in the same property. Our concern here is that there have been a number of noise complaints registered due to student gatherings and parties in

communal areas. As the property in question is advertised as sleeping 8 at a relatively low price point, we have had similar problems with large groups in our garden/ and outside our front door causing noise/disturbance. We have registered various noise complaints with Police Scotland on various occasions, as well as a few occasions of fires been started in communal areas.

Our properties share a communal garden which is identified in the deeds. We have never been consulted by the owner of the property or operator of this business if the shared garden can be used for commercial purposes. We do not believe in a tenement block in a residential area a shared garden should be being used for commercial purposes.

This is a residential area where we live as a family close to our sons school. We do not 'know' the visitors and they have not been vetted by us. We are not comfortable with him using the garden when there are visitors. We have already had a few visitors smoking (both cigarettes, and dope), drinking and leaving empty fins. It's not something we want our son to be exposed to if it can be helped.

Regards

James Lauchlan and Suzanne Cumiskey

Ashley Smith

From: Dave Rennie <[REDACTED]>
Sent: 05 November 2023 12:47
To: licensing.board
Cc: [REDACTED]
[REDACTED]
Subject: Short Term let at 168 St Vincent Street, Broughty Ferry, Dundee DD5 2EX

Dear Licensing Board,

I am concerned about the application for a Short Term let at 168 St Vincent Street, Broughty Ferry, Dundee DD5 2EX. Yet another application for a short term let in the Ferry.

There are already quite a few short term lets in this area.

This “hollows out,” the community, excluding real people who actually live here and have an interest in the local community. I have seen the detrimental effects of this communities in Edinburgh and in the West End of Glasgow. It should not be something that is allowed here. Lets have more actual residents here with an interesting and involvement with their local community.

It also removes properties from the marketplace for rental by individuals and families. Surely not something we wish to encourage. Let’s have more properties available for rental by people.

What proportion or percentage of properties used as short term lets does the City Council intend to tolerate in Broughty Ferry?

Thanks for your help and best wishes,

Dave Rennie

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Ashley Smith

From: Adrian Penna <[REDACTED]>
Sent: 29 September 2023 16:52
To: licensing.board
Subject: Objection to Air BnB Application
Attachments: 20230927_101626.jpg; 20230927_101729-1.jpg; 20230927_101749-1.jpg; 20230927_101755-1.jpg

Dear Licencing Board, 29/09/2023

This is an Update of my formal objection to the application by MacArthur Properties Limited for Secondary Letting at: 12 Whinny Brae, Broughty Ferry, Dundee, DD5 2HW

I am the husband of the home owner of [REDACTED] Ferry, Dundee, DD5 2HW Mrs Elizabeth Helen Penna.

My name is : Adrian Charles Nicholas Penna.

I object to this application on the following grounds:

1. Co-Owners Vote, the Eastern Residences Owners Association Committee balloted owners on the 31st May 2022 asking if owners were For or Against properties within the development being used for Short Term Lets. Owners voted as follows No-20 votes, Yes-1 vote, No Reply-4 and No Contact details held-2. The Development is formed of 27 Apartments.
2. Real Burdens, Sections 4.1 and 4.2 of the development deed of conditions are real burdens restricting the permitted uses of flats within the building.
As such, permission should have be sought to operate the flat as a short-term let business from the co-proprietors/Manager. As identified in point one this permission from co-owners would not be granted.
The property in question is no longer listed under the Council Tax register (unlike all other properties) but appears on the Rateable Value register described as a Self- Catering Unit. This is a business rate as opposed to a domestic rate and I would suggest indicates a change of use contrary to the Real Burdens.
3. The Eastern Residences has an older demographic and a high owner occupancy level, and In reporting the issue, some members have identified that the operation of a short-term let within the building constitutes a material detriment to the value and enjoyment of their properties.
It is widely documented that a revolving door of guests can lead to violation of rules and regulations, including noise, and parking issues. Some of which have already been witnessed.
4. The Short term Let property does not have its own main door entry and therefore has to use the Communal Entrance. The current owner has attached a padlock style key safe to an external Gas Pipe, however co-proprietors are conscious that his managing agency shares the door entry code with their guests undermining the development security.
5. Allowing a short term let against the wishes of co-proprietors has the potential to attract other future property investors to follow and the concern would be an imbalance to the development.
- 6 Given the shortage of accommodation within Dundee at the moment, it is strongly felt that longer term let options would be more beneficial to not only the development but to the wider community.
7. Initial notification displayed inappropriately, not immediately visible to Eastern Residence Owners.

It should have been displayed prominently on the building. I have added 2 Photos of the Application, one of them clearly shows the application is on a lamp post on the left of the street and the Residences Building is on the right (undergoing building work), where the Archway leads to the entrance.

Hello again, this is an update from my previous e-mail with more information. The applicant has now moved the application from the lamp post across the road to a lamp post on the same side of the building, but just past it by the entrance to the car park. It is still NOT clearly visible as it is wrapped around the lamp post, not many people walk past it as most people use the other rear entrances when going into or out of their cars. It should be placed openly on the main doors to the building (of which there are 4) or, on the door of the apartment. Also, it STILL has the same original application date of the 14th of September. I have added a few more photographs of the new location.

Please acknowledge receipt of this E-Mail.

(Sorry for the hassle)

Yours Faithfully

Adrian C. N. Penna

[REDACTED] Ferry, Dundee DD5 2HW

Sent from [Mail](#) for Windows

Ashley Smith

From: al.mac.scott <[REDACTED]>
Sent: 05 October 2023 13:03
To: licensing.board
Subject: OBJECTION to Application for Short Term Let License by Macarthur Properties Ltd
 Pitairlie Newbigging Dundee DD5 3PY

PROPERTY - 12 Whinny Brae Broughty Ferry Dundee DD5 2HW

TO WHOM IT MAY CONCERN

Further to a notice posted at Whinny Brae flats regarding the above application we would like to lodge our Objections as follows:-

1. Owners Vote, the Eastern Residences Owners Association Committee balloted owners on the 31st May 2022 asking if owners were For or Against properties within the development being used for Short Term Lets. 20 owners voted against. The Development is formed of 27 Apartments.

2. Real Burdens, Sections 4.1 and 4.2 of the development deed of conditions are real burdens restricting the permitted uses of flats within the building. As such, permission should have been sought to operate the flat as a short-term let business from the co-proprietors/Manager. As identified in point one this permission from co-owners would not be granted.

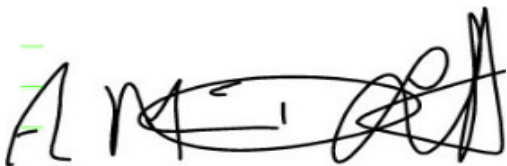
The property in question appears on the SAA described as a Self- Catering Unit. This is a business rate as opposed to a domestic rate and indicates a change of use contrary to the Real Burdens.

3. The Eastern Residences has an older demographic and a high owner occupancy level, and in reporting the issue, some members have identified that the operation of a short-term let within the building constitutes a material detriment to the value and enjoyment of their properties and that a revolving door of guests can lead to violation of rules and regulations, including noise, parking issues, major security issues and inconsiderate behaviour in shared internal spaces, some of which have already been witnessed.

4. The Short term Let property does not have its own main door entry and therefore has to use the Communal Entrance. The current owner has attached a padlock style key safe to an external Gas Pipe, however co-proprietors are conscious that the managing agency shares the door entry code with their guests undermining the development security.

5. Allowing a short term let against the wishes of co-proprietors has the potential to attract other future property investors to follow and the concern would be an imbalance to the development.

We await your comments.



Alistair Scott and Valerie Scott

[REDACTED] Ferry Dundee DD5 2HW

Ashley Smith

From: Beth Penna <[REDACTED]>
Sent: 24 September 2023 16:56
To: licensing.board
Subject: Fwd: AIR

Sent from [Outlook for Android](#)

From: Adrian Penna <[REDACTED]>
Sent: Sunday, September 24, 2023 4:52:53 pm
To: 'beth1.edward' <[REDACTED]>
Subject: AIR

Dear Licencing Board, 24/09/2023

This is my formal objection to the application by MacArthur Properties Limited for Secondary Letting at : 12 Whinny Brae, Broughty Ferry, Dundee, DD5 2HW

I am the home owner of 30 Whinny Brae, Broughty Ferry, Dundee, DD5 2HW

Mrs Elizabeth Helen Penna.

I object to this application on the following grounds:

1. Co-Owners Vote, the Eastern Residences Owners Association Committee balloted owners on the 31st May 2022 asking if owners were For or Against properties within the development being used for Short Term Lets. Owners voted as follows No-20 votes, Yes-1 vote, No Reply-4 and No Contact details held-2. The Development is formed of 27 Apartments.

2. Real Burdens, Sections 4.1 and 4.2 of the development deed of conditions are real burdens restricting the permitted uses of flats within the building.

As such, permission should have be sought to operate the flat as a short-term let business from the co-proprietors/Manager. As identified in point one this permission from co-owners would not be granted.

The property in question is no longer listed under the Council Tax register (unlike all other properties) but appears on the Rateable Value register described as a Self- Catering Unit. This is a business rate as opposed to a domestic rate and I would suggest indicates a change of use contrary to the Real Burdens.

3. The Eastern Residences has an older demographic and a high owner occupancy level, and In reporting the issue, some members have identified that the operation of a short-term let within the building constitutes a material detriment to the value and enjoyment of their properties.

It is widely documented that a revolving door of guests can lead to violation of rules and regulations, including noise, and parking issues. Some of which have already been witnessed.

4. The Short term Let property does not have its own main door entry and therefore has to use the Communal Entrance The current owner has attached a padlock style key safe to an external Gas Pipe, however co-proprietors are conscious that his managing agency shares the door entry code with their guests undermining the development security.

5. Allowing a short term let against the wishes of co-proprietors has the potential to attract other future property investors to follow and the concern would be an imbalance to the development.

6 Given the shortage of accommodation within Dundee at the moment, it is strongly felt that longer term let options would be more beneficial to not only the development but to the wider community.

7. Initial notification displayed inappropriately, not immediately visible to Eastern Residence Owners.

It should have been displayed prominently on the building.

Please acknowledge receipt of this E-Mail.

Elizabeth H Penna

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Ashley Smith

From: Katy Armstrong <[REDACTED]>
Sent: 02 October 2023 11:35
To: licensing.board
Subject: Objection - 12 Whinny Brae Short Term Let Licence Application

Hi

My name is Catherine Armstrong.

I am the owner of [REDACTED] Dundee DD5 2HW. This is my home and I live there full-time. I purchased my apartment from the developer in December 2016.

I am writing to lodge an objection to the application for a short-term let licence for Apartment 12 Whinny Brae.

Apartment 12 and [REDACTED] are both on the ground floor of our building on Whinny Brae. The front door to my apartment is just along the same communal corridor from Apartment 12.

Our main building of 26 apartments has a high percentage of owner occupier homes and an older demographic of owners. It is a quiet building. It is a nice place to live, where as neighbours we are considerate of each other, friendly and a place where I feel safe to live alone.

All 26 apartments in our main building use the same four main door entrances to the building. Apartment 12 does not have a separate entrance. The keys or security entry code will be provided to every guest that stays in the short-term let property. I am concerned that this negates having a security entry system to the building that I have made my home.

The "Eastern Residences Owners Association Committee" balloted owners on the 31st May 2022 asking if owners were For or Against properties within the development being used for short-term lets. Of the 21 owners that replied, 20 voted No with only 1 owner voting Yes.

Our building has conditions within the development deeds restricting the permitted uses of the apartments/flats within the building, to protect the quality of life of all of the owners (Real Burdens, sections 4.1 and 4.2). Subject to these restrictions, the owner of Apartment 12 should have sought permission from the other owners in order to be able to use their apartment as a short-term let business. This did not happen and the vote held on 31st May 2022, detailed above, shows this permission would not have been granted.

I understand from my neighbours that Apartment 12 is no longer listed under the Council Tax register (unlike all the other properties in our building) but appears on the Rateable Value register, described as a self-catering unit. This is a business rate, which represents a change of use contrary to the Real Burdens of our development deeds.

I am deeply concerned that allowing short-term lets within our building will not only impact my quality of life and sense of safety in my home but it may also attract other potential property investors to the building. This would detrimentally affect the balance of the development.

If any apartments are to be rented at all in our building, longer-term lets of six or more months would be preferable to the night by night, short-term let options. I am not against providing rental options but longer-term lets attract people who will treat our building as their home.

I thank you for your consideration of my objections and the objections of my neighbours in relation to this licence application.

Kind regards

Catherine Armstrong

Ashley Smith

From: Edith Wilson <[REDACTED]>
Sent: 29 September 2023 19:10
To: licensing.board
Subject: Short term let's at Eastern Residences

I request that the licence for short term lets should not be granted for 12 Whinny Brae, Broughty Ferry, Dundee. This property has a security entry system which cannot be controlled if the entry code is given out perhaps two or three times a week. There are a number of long let's which work well and therefore owners can go down that road.

Yours faithfully,
Edith Wilson,

[REDACTED]
Broughty Ferry,
Dundee,
DD5 2 hw

Sent from my iPad

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Ashley Smith

From: Elizabeth Thompson <[REDACTED]>
Sent: 24 September 2023 19:50
To: licensing.board
Subject: objection Number 12 Whinny Brae

To Licensing Board at Dundee Council

We live at

[REDACTED],

DD5 2HW

Mr Robert Keith Thompson and Mrs Elizabeth Thompson

We would like to take this opportunity to formally object to a short term let (Air BnB style) operation we saw that a recent notice had been placed on a local lamp post for an application for a license for Apartment 12 in the block in which we live the old Eastern School now known as The Eastern Residence ours reason are as follows

Objections

1. Co-Owners Vote, the Eastern Residences Owners Association Committee balloted owners on the 31st May 2022 asking if owners were For or Against properties within the development being used for Short Term Lets. Owners voted as follows No-20 votes, Yes-1 vote, No Reply-4 and No Contact details held-2. The Development is formed of 27 Apartments.
 2. Real Burdens, Sections 4.1 and 4.2 of the development deed of conditions are real burdens restricting the permitted uses of flats within the building.
As such, permission should have be sought to operate the flat as a short-term let business from the co-proprietors/Manager. As identified in point one this permission from co-owners would not be granted. The property in question is no longer listed under the Council Tax register (unlike all other properties) but appears on the Rateable Value register described as a Self- Catering Unit. This is a business rate as opposed to a domestic rate and I would suggest indicates a change of use contrary to the Real Burdens.
 3. The Eastern Residences has an older demographic and a high owner occupancy level, and In reporting the issue, some members have identified that the operation of a short-term let within the building constitutes a material detriment to the value and enjoyment of their properties.
It is widely documented that a revolving door of guests can lead to violation of rules and regulations, including noise, and parking issues. Some of which have already been witnessed.
 4. The Short term Let property does not have its own main door entry and therefore has to use the Communal Entrance. The current owner has attached a padlock style key safe to an external Gas Pipe, however co-proprietors are conscious that his managing agency shares the door entry code with their guests undermining the development security.
 5. Allowing a short term let against the wishes of co-proprietors has the potential to attract other future property investors to follow and the concern would be an imbalance to the development.
 - 6 Given the shortage of accommodation within Dundee at the moment, it is strongly felt that longer term let options would be more beneficial to not only the development but to the wider community.
- Kind regards Robert and Elizabeth
Thompson

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Ashley Smith

From: Ewan Cameron <[REDACTED]>
Sent: 25 September 2023 17:01
To: licensing.board
Subject: Short term let licence application for 12 Whinny Bae, Broughty Ferry, Dundee. DD52HW (Macarthur Properties Ltd)

Objection to licence application by Ewan and Mary Cameron, [REDACTED] Ferry, Dundee. DD52HW

We have recently been aware of the aforesaid licence application that was attached to a lamp post across the road from Eastern Residences which consists of 27 apartments including number 12 Whinny Brae.

It was simply good luck that another resident spotted this as very few residents would walk past this application and it may have gone unnoticed.

Eastern residences have an excellent resident's committee (we are not members) who ensure the smooth running of the building and the enclosed grounds and when we purchased our apartment four years ago we were made aware of the "Real Burdens" which is the development deed of conditions required for residing in the complex.

Sections 4.1 and 4.2 of the Real Burdens state that no business can be run from the complex without the permission of the Co-proprietors/Manager and as number 12 is being run as a short term let Airbnb, this is clearly in breach of the Real Burdens.

It is noted that the property in question is no longer registered under the Council Tax Register, but is shown on the "business rate" Rateable Value register as a self catering unit, while every other apartment in the complex is on the Council Tax Register.

Please note that on 31st May, 2022 the committee balloted all owners asking if they were for or against the development being used for short term lets and only one voted they were for it, therefore there was no chance of permission being granted if Macarthur Properties had followed the correct procedure and asked for permission when they opened the short term let.

This short term let was instigated with complete disregard to the "Real Burdens" and the wishes of the other owners and sets a bad precedent.

If approved, it is very likely that property investors will purchase other apartments and convert them to short term lets thereby creating an imbalance with other owners who reside legitimately in the complex.

Also please note that each apartment has an allocated parking space and there have been a number of occasions when visitors using the short term let have parked indiscriminately in other owner's spaces, causing inconvenience.

There is also the question of security and it is worrying that any visitors using the short term let are given the access code to the main door entry, so this completely undermines the security of the building.

Regards

Ewan and Mary Cameron

[REDACTED]
[REDACTED]
Broughty Ferry.

Dundee.

DD52HW

Ashley Smith

From: Jacklyn Jones [REDACTED]
Sent: 04 October 2023 20:28
To: licensing.board
Subject: Short term letting application - 12 Whinny Brae Broughty Ferry Dundee

We are writing to object to the short term letting application relating to 12 Whinny Brae, Broughty Ferry, Dundee. As owners of a property in this residential building we have strong objections to a licence being granted.

The property is part of a residential complex which has a large owner occupier population and the residence association balloted the owners of all properties within the complex in May 2022 seeking opinions as to whether they supported properties in the development being used for short term lets. Of the 27 apartments, 20 voted to state they were not supportive of this type of letting within the development. Granting a short term let against the wishes of co-proprietors has the potential to attract other future property investors to follow and the concern would be an imbalance to the development.

Any short term lets will have detrimental impact on the development and in particular as many residents are of an older demographic consideration of their safety and comfort is paramount. The apartment which has applied for this licence does not have its own main door and is accessed through a communal locked outer security door which is accessed via a keypad. Whilst the current owner of apartment 12 has attached a padlock style key safe to an external gas pipe (which is part of another apartment), the managing agency of the property has shared the entry code with guests and cleaners which undermines the development security. In addition to a reduction in security it is widely documented that a revolving door of guests can lead to violation of rules and regulations, including noise, and parking issues. Many of these have already been witnessed by the residents of the development. This is having a detrimental effect on the permanent residents of apartments in the development and has the potential to have a detrimental impact on the value and enjoyments of the properties.

Besides the impact that a licence would have on the residents the premise of a short term leasing business within the Development is against the permissions within the deeds of the development. Within Sections 4.1 and 4.2 of the development deed of conditions are real burdens restricting the permitted uses of flats within the building. Within this, permission has to be sought to operate the flat as a short-term let business from the co-proprietors/Manager. This has not been sought and even if it was as previously states this permission from co-owners would not be granted. It is evident that this property is now operating as a business (against the wishes of the owners and the real burdens within the deed) as the property is no longer listed under the Council Tax register (unlike all other properties within the development) but now appears on the Rateable Value register described as a Self- Catering Unit. This is a business rate as opposed to a domestic rate and as such indicates a change of use contrary to the Real Burdens.

Finally there is a significant shortage of rental accommodation within Dundee at the moment and we believe that a longer term let is more beneficial to both the development and the wider community.

We strongly urge that this application is denied

Stephen and Jacklyn Jones
[REDACTED]

Broughty Ferry
Dundee
DD5 2HW

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Ashley Smith

From: Jon Day <[REDACTED]>
Sent: 26 September 2023 11:59
To: licensing.board
Subject: OBJECTION - Short Term Let Licence Application for 12 Whinny Brae
Attachments: OBJECTION -STL 12 Whinny Brae.pdf

Jonathan and Amanda Day
[REDACTED]

Eastern Residences
Broughty Ferry
DD5 2HW.

26 September 2023

Short Term Let Licence Application for 12 Whinny Brae - OBJECTION

Dear Sir/Madam,

Please see attached for signed letter. The contents are as follows.

A notice was posted on the 14th September, adjacent to our apartment building, that a short term let licence has been applied for by the owners, MacArthur Properties Ltd.

We would, therefore, wish to object to the licence on the following grounds:

1. Co-Owners Vote, the Eastern Residences Owners Association Committee balloted owners on the 31st of May 2022 asking if owners were For or Against properties within the development being used for Short Term Lets. Owners voted as follows No-20 votes, Yes-1 vote, No Reply-4 and No Contact details held-2. The Development is formed of 27 Apartments.
2. Real Burdens, Sections 4.1 and 4.2 of the development deed of conditions are real burdens restricting the permitted uses of flats within the building. As such, permission should have been sought to operate the flat as a short-term let business from the co-proprietors/Manager. As identified in point one this permission from co-owners would not be granted. The property in question is no longer listed under the Council Tax register (unlike all other properties) but appears on the Rateable Value register described as a Self- Catering Unit. This is a business rate as opposed to a domestic rate and I would suggest indicates a change of use contrary to the Real Burdens.
3. The Eastern Residences has an older demographic and a high owner occupancy level, and in reporting the issue, some members have identified that the operation of a short-term let within the building constitutes a material detriment to the value and enjoyment of their properties. It is widely documented that a revolving door of guests can lead to violation of rules and regulations, including noise, and parking issues. Some of which have already been witnessed.
4. The Short term Let property does not have its own main door entry and therefore must use the Communal Entrance. The current owner has attached a padlock style key safe to an external Gas Pipe, however co-proprietors are conscious that his managing agency shares the door entry code with their guests undermining the development security.
5. Allowing a short term let against the wishes of co-proprietors has the potential to attract other future property investors to follow and the concern would be an imbalance to the development.

Ashley Smith

From: Paul Cattigan <[REDACTED]>
Sent: 30 September 2023 11:43
To: licensing.board
Subject: Application Objection against Macarthur Properties 12 Whinny Brae DD52HW

D P Cattigan
[REDACTED]
[REDACTED]

Broughty Ferry
Dundee
DD52HW

Dear DCC Licensing Committee,

I wish to object to the Licence application made by Macarthur properties in relation to 12 Whinny Brae, Broughty Ferry, Dundee DD5 2HW based on the following points;

1. Co-Owners Vote, the Eastern Residences Owners Association Committee balloted owners on the 31st May 2022 asking if owners were For or Against properties within the development being used for Short Term Lets. Owners voted as follows No-20 votes, Yes-1 vote, No Reply-4 and No Contact details held-2. The Development is formed of 27 Apartments.

2. Real Burdens, Sections 4.1 and 4.2 of the development deed of conditions are real burdens restricting the permitted uses of flats within the building. As such, permission should have been sought to operate the flat as a short-term let business from the co-proprietors/Manager. As identified in point one this permission from co-owners would not be granted. The property in question is no longer listed under the Council Tax register (unlike all other properties) but appears on the Rateable Value register described as a Self-Catering Unit. This is a business rate as opposed to a domestic rate and I would suggest indicates a change of use contrary to the Real Burdens.

3. The Eastern Residences has an older demographic and a high owner occupancy level, and in reporting the issue, some members have identified that the operation of a short-term let within the building constitutes a material detriment to the value and enjoyment of their properties. It is widely documented that a revolving door of guests can lead to violation of rules and regulations, including noise, and parking issues. Some of which have already been witnessed.

4. The Short term Let property does not have its own main door entry and therefore has to use the Communal Entrance. The current owner has attached a padlock style key safe to an external Gas Pipe, however co-proprietors are conscious that his managing agency shares the door entry code with their guests undermining the development security.

5. Allowing a short term let against the wishes of co-proprietors has the potential to attract other future property investors to follow and the concern would be an imbalance to the development.

6 Given the shortage of accommodation within Dundee at the moment, it is strongly felt that longer term let options would be more beneficial to not only the development but to the wider community.

Best Regards

D Paul Cattigan

Private and Confidential: This e-mail transmission is strictly confidential and intended solely for the person or organisation to whom it is addressed. It may contain privileged and confidential information and if you are not the intended recipient, you must not copy, disclose, distribute or take any action in reliance on it. If you have received this e-mail in error, please delete it.

It is the responsibility of the recipient to ensure that the onward transmission, opening or use of this message and any attachments will not adversely affect their systems or data. Please carry out virus and other such checks as you consider appropriate.

Ashley Smith

From: Ron Beaton [REDACTED]
Sent: 26 September 2023 10:21
To: licensing.board
Subject: objection

Hi,

i would like to make objection to application for short term let
for flat 12 whinny brae, broughty ferry dundee

the reasons for objection

- 1) the flat is directly below my flat and i will have to put up with noise levels
as it is planned to be used as airbnb with various guests on an ongoing basis'
- 2) access will be given to strangers to the building which will impact on my security.
- 3) there is limited parking for residents and this could be impacted.

I am a seventy year old pensioner who moved here for a quiet life and I
am concerned that this will impact my lifestyle.

Ronald Beaton
[REDACTED]

whinny brae
broughty ferry
dundee DD52HW

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Ashley Smith

From: Stewart Byrne [REDACTED]
Sent: 24 September 2023 17:54
To: licensing.board
Subject: Objection to application for Short Term Let application for 12 Whinny Brae DD52HW

I wish to object to the application for the Short Term Let application for 12 Whinny Brae DD52HW and list the reasons as follows:-

1. Co-Owners Vote, the Eastern Residences Owners Association Committee balloted owners on the 31st May 2022 asking if owners were For or Against properties within the development being used for Short Term Lets. Owners voted as follows No-20 votes, Yes-1 vote, No Reply-4 and No Contact details held-2. The Development is formed of 27 Apartments.

2. Real Burdens, Sections 4.1 and 4.2 of the development deed of conditions are real burdens restricting the permitted uses of flats within the building.
 As such, permission should have been sought to operate the flat as a short-term let business from the co-proprietors/Manager. As identified in point one this permission from co-owners would not be granted.
 The property in question is no longer listed under the Council Tax register (unlike all other properties) but appears on the Rateable Value register described as a Self- Catering Unit. This is a business rate as opposed to a domestic rate and I would suggest indicates a change of use contrary to the Real Burdens.

3. The Eastern Residences has an older demographic and a high owner occupancy level, and in reporting the issue, some members have identified that the operation of a short-term let within the building constitutes a material detriment to the value and enjoyment of their properties.
 It is widely documented that a revolving door of guests can lead to violation of rules and regulations, including noise, and parking issues. Some of which have already been witnessed.

4. The Short term Let property does not have its own main door entry and therefore has to use the Communal Entrance. The current owner has attached a padlock style key safe to an external Gas Pipe, however co-proprietors are conscious that his managing agency shares the door entry code with their guests undermining the development security.

5. Allowing a short term let against the wishes of co-proprietors has the potential to attract other future property investors to follow and the concern would be an imbalance to the development.

6 Given the shortage of accommodation within Dundee at the moment, it is strongly felt that longer term let options would be more beneficial to not only the development but to the wider community.

Stewart and Lesley Byrne

[REDACTED] (owners)
 [REDACTED] (correspondence).
 [REDACTED]

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Ashley Smith

From: Susie Low <[REDACTED]>
Sent: 01 October 2023 18:10
To: licensing.board
Subject: AirB&B Number 12 Eastern Residence Broughty Ferry

Licensing Board

Firstly the notice for the above property WASN'T posted anywhere on the building of Eastern until last week - it was on a lamppost across the street- I can send picture if required.

We are objecting to this property being used for above & short letting No permission was sought from Eastern Residence Owners, Co owners would not have agreed I believe this property is no longer listed under the council tax register, Unlike all the other properties in the building, but appears to be on the rateable value register described as a self-catering unit. Obviously change of use.

We have a high ownership level & are very concerned about noise, security, Violation of rules, parking issues etc. There is no separate main door to this property, - so the entry code is given out to all the owners clients . The owner had actually attached a padlocked key holder onto an external gas pipe !!!! As a back up.

Please register our complaint - thank you Mr & Mrs Peter Low

[REDACTED]
Broughty Ferry
DD5 2HW

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Ashley Smith

From: Wendi Neill <[REDACTED]>
Sent: 02 October 2023 11:19
To: licensing.board
Cc: ERA
Subject: Objections to short term let 12 Whinny Brae, DD5 2HW

Hi, I would like to formally submit my objections to the above licence application.

I would also like it noted that the notice is STILL not displayed in the correct area (having initially being placed across the road from the building entirely), now placed outside the attached house, adjacent to the main building that number 12 is within. Residents of the main building are unlikely to see this notice.

The application is not displayed in the window or front door of number 12, nor on the communal notice board. This appears to be so that less residents may make objections.

Regarding objections to the continued short term let and application for licence, please see these below:

1. Co-Owners Vote, the Eastern Residences Owners Association Committee balloted owners on the 31st May 2022 asking if owners were For or Against properties within the development being used for Short Term Lets. Owners voted as follows No-20 votes, Yes-1 vote, No Reply-4 and No Contact details held-2. The Development is formed of 27 Apartments.

2. Real Burdens, Sections 4.1 and 4.2 of the development deed of conditions are real burdens restricting the permitted uses of flats within the building. As such, permission should have be sought to operate the flat as a short-term let business from the co proprietors/Manager. As identified in point one this permission from co-owners would not be granted.

The property in question is no longer listed under the Council Tax register (unlike all other properties) but appears on the Rateable Value register described as a Self- Catering Unit. This is a business rate as opposed to a domestic rate and I would suggest indicates a change of use contrary to the Real Burdens.

3. The Eastern Residences has an older demographic and a high owner occupancy level, and In reporting the issue, some members have identified that the operation of a short-term let within the building constitutes a material detriment to the value and enjoyment of their properties.

It is widely documented that a revolving door of guests can lead to violation of rules and regulations, including noise, and parking issues, some of which have already been witnessed.

4. The Short term Let property does not have its own main door entry and therefore has to use the Communal Entrance. The current owner has attached a padlock style key safe to an external Gas Pipe, however co-proprietors are conscious that his managing agency shares the door entry code with their guests undermining the development security.

5. Allowing a short term let against the wishes of co-proprietors has the potential to attract other future property investors to follow and the concern would be an imbalance to the development.

6 Given the shortage of accommodation within Dundee at the moment, it is strongly felt that longer term let options would be more beneficial to not only the development but to the wider community.

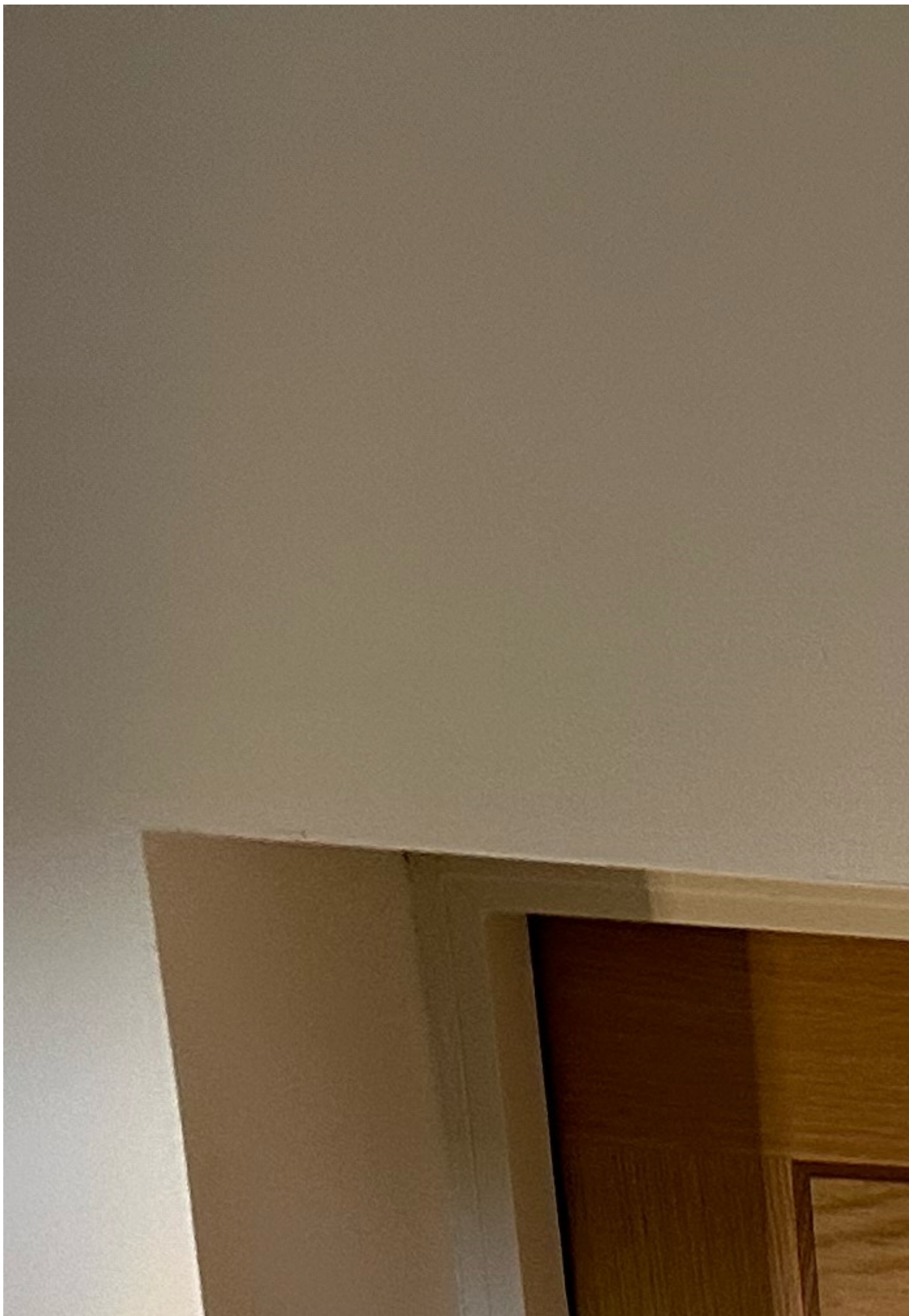
With thanks

Wendi Neill

~~XXXXXXXXXXXXXXXXXXXX~~2HW
~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~
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Sent from my iPhone

Ashley Smith

From: Kate Duff <[REDACTED]>
Sent: 28 September 2023 15:28
To: licensing.board
Subject: Air b and b: flat 7 Carbet Castle, Camphill Road, Broughty Ferry, Dundee

Dear Sir

I wish to object to the granting of a licence to the above property.

I live at number [REDACTED]. This block of flats is very quiet with mostly elderly people living here.

The constant coming and going of visitors to number 7 can be very unsettling, not to mention the various cleaners who come to clean the flats between lets.

On one occasion the agent had to be contacted as there were several youngsters staying there (more than should be allowed) who were smoking weed and generally noisy. This was quickly remedied burst was not pleasant.

Our building is very secure , the reason most of us moved here, but that security is being compromised by strangers which makes us nervous.

I trust you will take this into consideration when considering the application .

Yours faithfully

Kate Duff

Sent from my iPad

Kate

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Ashley Smith

From: Peter Speed <[REDACTED]>
Sent: 28 September 2023 14:28
To: licensing.board
Subject: Secondary Letting Licence Objection

To Head of Democratic and Legal Services Dundee City Council,

I am writing to you to raise my objections to the secondary letting licence being requested for Flat 7 Carbet Castle, 3 Camphill Road, Broughty Ferry, Dundee.

My name is Peter Speed and am the owner/occupier [REDACTED] which uses the same front/back doors as Flat 7.

My main grounds for objection related to the constant coming and going of strangers every few days within the same block as me.

The visitors are only here for a few days/nights then the next lot of visitors arrive. This also leads to additional comings and goings with the property manager's cleaning team come after each visitor has left. Unlike having permanent neighbours, we are in a situation where complete strangers arrive regularly, with potential for increased noise levels and/or confrontation.

It make me feel less safe in my own home.

Yours sincerely,

Peter Speed
[REDACTED]

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Ashley Smith

From: Danielle O'Brien MIRPM AssocRICS <[REDACTED]>
Sent: 03 October 2023 15:15
To: licensing.board
Cc: Shona Hay
Subject: FW: Application for License - 41 Marine Parade

Dear Licensing

We are aware of an application for a licence to operate a short term let attached to a lamp post outside of the above property, and would comment and object as follows:

1. The notice is not dated and therefore can't be valid as the 28 day deadline to respond cannot be determined
2. The Factor records their opposition. This is strictly against the deed of conditions:

12. Use and Prohibitions: So far as regards the Development and all properties hereon:- 12.1 Each Property shall be used solely as a private dwellinghouse and for no other purpose whatever and none of the properties shall ever in any way be sub-divided.

This can be found on page 16

We also refer to clauses 12.2 and 12.3 on page 16. The Property Manager forms the opinion that the use of the property for short term/holiday lets constitutes a nuisance and causes disturbances to other properties.

3. The proprietor has bought the property and has entered into a contract with their co owners "deed of conditions" it is clear that this activity is prohibited and the owner knew this when purchasing the property
4. Movement of guests with luggage on a daily basis through the communal entrance, stairwell and landings would not be typical behaviour from residents of a flat of this size
5. The additional traffic of visitors finding their way into the flat would introduce a new noticeable source of noise
6. The number and nature of arrivals and departures to and from the flat, the likelihood of increased noisy activity for neighbouring properties (including late in the evening), and increased activity as a result of cleaning and refuse collection would all be at increased levels compared to what would be expected were the property in long term use by a single household
7. Owner does not reside at the property and therefore is unable to have complete control over the behaviour of guests. This is irrespective of the demographic that the owner seeks to attract as guests
8. Owner does not reside at the property and therefore presumably seeks to enable a self service entry to the building either via a lock box or similar on the external of the building which they do not own independently. This represents a reduction in physical security at the property. The potential frequency of changing guests introduces various new, non-permanent residents into the secure communal areas of the property with regularity. This would change the level of actual and perceived security for permanent residents in a manner that would not otherwise be the case under typical residential circumstances. – Conversely if the owner seeks to operate as a meet and greet setup which could happen in the confines of the communal entrance lobby, stair and landing. This differs significantly from a normal pattern of occupation. Notwithstanding the careful management of the activity by the owner the intensity of use and the nature of the short stay visitors with potential for late night arrivals and early morning departures increases the likelihood of noisy and anti-social behaviour detrimental to the amenity of other residents.
9. I attach the following quote from another short term let host at City Quay which proves that these types of properties are a problem:
 'As a warning to other hosts the whole flat was left in a mess and we expect some illegal activity was going on as my neighbour said people were coming and going at all hours.

Please can you confirm receipt of the above

Many thanks

Danielle

Danielle O'Brien MIRPM AssocRICS
Director

Mobile: [REDACTED]

Email: [REDACTED]

Managing ES [REDACTED]
8RQ [REDACTED]



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Ashley Smith

From: Dave Rennie [REDACTED]
Sent: 01 November 2023 17:04
To: licensing.board
Cc: [REDACTED]
Subject: Application for secondary letting at 9 Castle Street, Broughty Ferry, Dundee DD5 2EH

[REDACTED]

Broughty Ferry

Dundee

[REDACTED]

[REDACTED]

[REDACTED]

Dear Licensing board,

I would ask you to reject this application on the grounds that short term lets (Air B&B and suchlike) are hollowing out the soul of our community. Nobody who stays here for a few days or weeks will participate in or care about the community. In addition, although providing greater income for property owners, it removes another potentially rented property from the marketplace and out of reach of ordinary renters.

I have seen the results of this in Edinburgh, the West End of Glasgow, Glencoe and the Outer Hebrides.

It results in fewer properties to let and loss of community involvement.

Best wishes,

Dave Rennie

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G. Fenning

██████████EH

20 November 2023

RE : AT THE RIVER 9a Castle Street Jennifer Oliver

Dear Sir / Madam :

I have just returned to the property and found a notice posted on the gate

- it invites comments 28 days from the date
- however the document is undated (photo can be supplied))

I trust that in the event that this document has been incorrectly posted that I will be given the opportunity to respond given the unique geographical location of my property to the commercial premises. From the four people who live in my building I am impacted more than the others

Assuming I do have time to respond, I have enclosed the notes below . I hasten to add that I am not fundamentally objecting to the presence of this commercial property per se and have been able to have generally positive interactions with the clients who stay there. his is fine. My real concern centres around

- the administration of the business
- public safety and
- adequate public liability insurance

I do have very important points to raise under the headings of

- health and safety
- and public liability

There are serious issues that need to be addressed if I am to be in full support of this application and I think that these can easily be remedied. This notice gives me the opportunity to, at last, communicate with someone in a meaningful way.

In the event that you judge that I do not have enough time to respond, I will take up the matter with my health and legal advisors in the city this week. . They are aware of the issue (s) I am hopeful that this will not be necessary as the solution I seek is rather straightforward appropriate and , in my view, common sense

(a) The Problem

Some of the people who holiday in the premises are troubling all of the residents here by leaving glass bottles either in large quantities or in hazardous places. I would like to address my own difficulties rather than involve my neighbors who I know are troubled in the same way

On one occasion I tried to remove glass bottles from the bottom of a large bin and relocate them to the bin area of the commercial premises, However I am an elderly person with some mobility issues and in the end I suffered the serious forward fall in the garden on to concrete, The neighbour witnessed and attended to my wounds. Emergency services came out to see me and the evidence has been photographed. Everything is documented, photographed and logged with the appropriate agencies.. The fall caused trauma to the legs and hands.

(b) The Impact of the problem

Leg injury

I sustained a substantial knee injury. I was housebound for 2 weeks . I received medical services in the home on three occasions. I was unable to negotiate the stairs and leave the property to get basic food shopping or attend the clinic

Hand Injury

I am left with a painful condition in the left hand that will not close properly and have been advised that if this does not improve over time that I will need to have an MRI scan at Ninewells.. Hospital. This may result in medical or surgical intervention. It is too early to say. It's improving.

(c) The solution I seek

1. Customers are told to store glass in the cottage- this is taken away by cleaning staff
2. I need to be given a phone number to call to get someone to come and empty my bin if it should happen again (note 1) this way it can be cleared without any danger to myself.
3. I need to be reassured that the public liability insurance covers accidents and emergencies of this type. to third parties such as myself Specifically I need to know., that the cover is adequate to cover private medical care or surgery if this was required as a result of the operation of the business (eg maintenance) and failure to contain the follow-out or adverse detrimental impact(eg hazardous waste) to the residents.

If these simple demands and concerns can be addressed I support the application. If not , I will take further legal advice this week , now that I have returned and let others pursue the robust and obvious medico-legal implications of the matter .I seek a simple solution in the first instance

Note 1: It has happened again.. Twice. Photos taken. Bottles and Glass .left in bins and pathway



Housing

CHANGING FOR THE FUTURE

Memorandum

O;I;

To	SENIOR ELECTORAL SERVICES & LICENSING OFFICER, SUPPORT SERVICES
From	Gabrielle Hayes – Ext. 6832
Our Ref	GH STL/ DD00206P
Your Ref	
Date	26 July 2024
Subject	Civic Government (Scotland) Act 1982 - (Licensing Of Short-term Lets) Order 2022 596 Perth Road, Dundee – Mrs Aliona Levins (2 persons) HOME LETTING 08 August 2024 Licensing Committee

In respect of the above application, I would make the following observation in regard to a licence being issued for a Short-term Let to the period 31 January 2027:

- The applicant has not provided public liability insurance with £5m cover as required. A valid policy for £1m cover has been submitted.
- The Electrical Installation Condition Report is not signed by the contractor and does not confirm that the extent of the testing meets the minimum requirement.
- The Portable Appliance Test expires on 04/08/24 and a new one will require to be submitted.

This application was accepted as having been received on 30 Sept 2023 and therefore the last scheduled Committee for this to be determined at is 5 Sept 2024.

GABRIELLE HAYES
PRIVATE SECTOR SERVICES MANAGER

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