



Securing the future... • Improving services  
• Enhancing quality of life • Making the best use of public resources

Council Building  
2 High Street  
Perth  
PH1 5PH

09/04/2024

A hybrid special meeting of the **Licensing Committee** will be held in **the Council Chambers (Hybrid)** on **Tuesday, 16 April 2024 at 10:00.**

If you have any queries please contact Committee Services on (01738) 475000 or email [Committee@pkc.gov.uk](mailto:Committee@pkc.gov.uk).

**THOMAS GLEN**  
Chief Executive

***Those attending the meeting are requested to ensure that all notifications are silent on their device and other devices are in silent mode.***

***Please note that the meeting will be broadcast online and recorded. The recording will be publicly available on the Council's website following the meeting.***

**Members:**

Bailie Mike Williamson (Convener)  
Councillor Iain MacPherson (Vice-Convener)  
Councillor Keith Allan  
Councillor Hugh Anderson  
Councillor Bob Brawn  
Bailie Rhona Brock  
Councillor Steven Carr  
Councillor Andy Chan  
Councillor Michelle Frampton  
Councillor Ken Harvey  
Councillor Crawford Reid  
Councillor Willie Robertson  
Councillor Grant Stewart



**Licensing Committee**

**Tuesday, 16 April 2024**

**AGENDA**

***MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.***

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 GRANT OF A SHORT-TERM LET LICENCE - NEW OPERATION - 5 - 24**  
**TUMMEL VIEW, 2 FERRY CRESCENT, PITLOCHRY, PH16 5DZ**  
Report by Strategic Lead - Legal and Governance (copy herewith 24/116)
- 4 GRANT OF A SHORT-TERM LET LICENCE - PROVISIONAL 25 - 46**  
**LICENCES PK12259P, PK12349P, PK12351P**  
Report by Strategic Lead - Legal and Governance (copy herewith 24/117)
- 5 GRANT OF A SHORT-TERM LET LICENCE - PROVISIONAL 47 - 64**  
**LICENCE PK11689P**  
Report by Strategic Lead - Legal and Governance (copy herewith 24/118)

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.



**PERTH AND KINROSS COUNCIL – LICENSING COMMITTEE**  
**16 April 2024**  
**REPORT BY STRATEGIC LEAD – LEGAL AND GOVERNANCE**

<b>TYPE OF APPLICATION</b>	Grant of a Short-Term Let Licence
<b>APPLICANT(S)</b>	Douglas and Irene Lawrie Provisional Licence Number:
<b>PREMISES (if applicable)</b>	Tummel View, 2 Ferry Crescent, Pitlochry, Perth And Kinross, PH16 5DZ
<b>THE APPLICATION</b>	<p>Douglas and Irene Lawrie joint Applicants, have applied for a three-year short-term let licence as new hosts (not operating prior to 1 October 2022).</p> <p>The Application has been validated by Licensing Officers and was sent out for consultation. Police Scotland, Scottish Fire and Rescue Services, and PKC Planning Department have stated they have no objections to this application.</p> <p>The short term let property is a semi-detached house. The Application is for that of a secondary short-term let licence.</p> <p>The property has two bedrooms and the Applicant(s) has applied for a maximum capacity of four guests.</p> <p>Four letters of objection have been received with regards to this Application (see attached letters of objection).</p>
<b>RELEVANT LICENSING POLICIES</b>	<p>The Council's Short Term Let Policy was approved by the Licensing Committee on 22 September 2022.</p> <p>The Council's Short-Term Lets Policy focuses on ensuring that an efficient, effective and proportionate licensing scheme is in place, which is customised to the needs and circumstances of the Council's local area and supports applicants who wish to obtain a short-term let licence.</p> <p>The aims of the licensing scheme are:</p> <ul style="list-style-type: none"> <li>• to ensure all short-term lets are safe;</li> <li>• to facilitate licensing authorities in knowing and understanding what is happening in their area; and</li> <li>• to assist with handling complaints and address issues faced by neighbours effectively.</li> </ul> <p>In assessing an application for a short-term lets licence, the Council will consider:</p> <ul style="list-style-type: none"> <li>• the suitability of the person applying and that of the other people named on the application form (whether they are "fit and proper");</li> <li>• compliance/ability to comply with mandatory conditions (applicable to all short-term lets across Scotland) (copy attached);</li> </ul>

	<ul style="list-style-type: none"> <li>• compliance/ability to comply with any additional conditions that the Council might attach to the licence (either specific to the accommodation, or specific to short-term lets in Perth and Kinross); and</li> <li>• the suitability of the premises in the context of Perth and Kinross Council's policies.</li> </ul> <p>The Council may vary the terms of a licence on any grounds they think fit and can do this at any time. This can be done following an application made to the Council by the licence holder on their own initiative. This could include adding further conditions to the licence. The Council will consult with the statutory consultees and any other parties it considers appropriate.</p> <p><b>Conditions attached to a Short-term Let Licence</b></p> <p><b><u>Mandatory Conditions</u></b></p> <p>Any Licence will be subject to Conditions. Under the 2022 Order, there are certain conditions which the Council must attach to a short-term let licence, irrespective of the type of short-term let granted, whether it is Secondary Letting, Home Letting, Home Sharing or Home Letting and Home Sharing. These are known as "mandatory conditions" and are detailed at Annex A.</p> <p><b>Please note that the Council has no power to amend these mandatory conditions.</b></p> <p>All applicants should ensure, prior to applying for a short-term let licence of any type that they are able to comply with the mandatory conditions attached to a licence. Applicants should also note that in term of listing their premises as a licensed short-term let, as required under mandatory condition 14, the listing must include the licence number provided by the Council and the valid energy performance certificate rating) if an Energy Performance Certificate is required for the premises, in accordance with the Energy Performance of Buildings (Scotland) Regulations 2008.</p>
--	--

<p><b>LEGAL POSITION</b></p>	<p>The Civic Government (Scotland) Act 1982 provides grounds for refusal of a short-term let licence. Any decision to refuse a short-term let licence must be relevant to one or more the following grounds of refusal as detailed in the Civic Government (Scotland) Act 1982:-</p> <p>A licensing authority must grant the application unless one of the grounds of refusal exists. If, in the opinion of the Committee, a ground of refusal exists then the application must be refused.</p> <p>The grounds of refusal are:-</p> <p>(a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either –</p> <p style="padding-left: 40px;">(i) for the time being disqualified under section 7(6) of this Act, or</p> <p style="padding-left: 40px;">(ii) not a fit and proper person to be the holder of the licence;</p> <p>(b) the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application him/herself;</p> <p>(c) where the licence applied for relates to an activity consisting of or including the use of premises, those premises are not suitable or convenient for the conduct of the activity having regard to –</p> <p style="padding-left: 40px;">(i) the location, character or condition of the premises;</p> <p style="padding-left: 40px;">(ii) the nature and extent of the proposed activity;</p> <p style="padding-left: 40px;">(iii) the kind of persons likely to be in the premises;</p> <p style="padding-left: 40px;">(iv) the possibility of undue public nuisance; or</p> <p style="padding-left: 40px;">(v) public order or public safety; or</p> <p>(ca) the applicant would not be able to secure compliance with:</p> <p style="padding-left: 40px;">(i) the mandatory licence conditions, and</p> <p style="padding-left: 40px;">(ii) the standard conditions and any further conditions to which the licence is to be subject;</p> <p>(cb) the application does not contain the consent of the owners of the premises; or</p> <p>(d) there is other good reason for refusing the application;</p> <p>and otherwise shall grant the application.</p> <p>In deciding whether or not to grant or renew a Licence, the Council will consider each Application on its own merits and will take into account the following:</p> <ul style="list-style-type: none"> <li>• any Objections or Representations</li> <li>• this Licensing Policy Statement</li> <li>• any other relevant considerations</li> </ul>
------------------------------	---

<b>OPTIONS</b>	<p>The Committee need to consider whether the objection(s) received relate to the activity of a short term let licence.</p> <p>The options open to the Committee are therefore to:</p> <ul style="list-style-type: none"> <li>• grant the application;</li> <li>• grant the application for a shorter period of time;</li> <li>• grant the application with additional conditions; or</li> <li>• refuse the application if one of the grounds for refusal exist.</li> </ul>
<b>PROCEDURE</b>	<ul style="list-style-type: none"> <li>• Identify parties</li> <li>• Consider any preliminary issues</li> <li>• Members of the public speak to their representation(s)/objection(s)</li> <li>• Committee asks any questions to the objectors</li> <li>• Applicant makes submission</li> <li>• Committee asks any questions of the applicant</li> <li>• Objector/s sum up</li> <li>• Applicant sum up</li> <li>• Committee makes decision</li> </ul>



## **Annex A – Mandatory Conditions**

Mandatory conditions will be applied to all types of short-term let licences (as specified in schedule 3 of the Order) and Temporary Exemptions. The following are mandatory conditions and will apply to all licences issued:-

### **Agents**

1. Only those named as a holder of the licence can carry out the day to day management of the short- term let of the premises.

### **Type of licence**

2. The holder of the licence may only offer the type of short-term let for which the licence has been granted.

### **Fire safety**

3. The holder of the licence must ensure the premises has satisfactory equipment installed for detecting, and for giving warning of –
  - (a) fire or suspected fire, and
  - (b) the presence of carbon monoxide in a concentration that is hazardous to health.
4. The holder of the licence must keep records showing that all upholstered furnishings and mattresses within the parts of the premises which are for guest use, or to which the guests are otherwise permitted to have access, comply with the Furniture and Furnishings (Fire Safety) Regulations 1988<sup>(1)</sup>.

### **Gas safety**

5. Where the premises has a gas supply -
  - (a) the holder of the licence must arrange for an annual gas safety inspection of all gas pipes, flues and appliances in the premises,
  - (b) if, after an annual inspection, any appliance does not meet the required safety standard, the holder of the licence must not allow a short-term let of the premises until the works necessary to bring the appliance to the required safety standard have been carried out.

### **Electrical safety**

6. Where there are electrical fittings or items within the parts of the premises which are for guest use, or to which the guests are permitted to have access, the holder of the licence must -
  - (a) ensure that any electrical fittings and items are in -
    - (i) a reasonable state of repair, and
    - (ii) proper and safe working order,
  - (b) arrange for an electrical safety inspection to be carried out by a competent person at least every five years or more frequently if directed by the competent person,

- (c) ensure that, following an electrical safety inspection, the competent person produces an Electrical Installation Condition Report on any fixed installations,
  - (d) arrange for a competent person to—
    - (i) produce a Portable Appliance Testing Report on moveable appliances to which a guest has access, and
    - (ii) date label and sign all moveable appliances which have been inspected.
7. In determining who is competent, the holder of the licence must have regard to guidance issued by the Scottish Ministers under section 19B(4) of the Housing (Scotland) Act 2006.

#### **Water safety: private water supplies**

8. Where the premises are served by a private water supply, the licence holder must comply with the requirements on the owners of private dwellings set out in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017.

#### **Water safety: legionella**

9. The holder of the licence must assess the risk from exposure to legionella within the premises, whether or not the premises are served by a private water supply.

#### **Safety & repair standards**

10. (1) The holder of the licence must take all reasonable steps to ensure the premises are safe for residential use.
- (2) Where the premises are subject to the requirements of Chapter 4 of Part 1 of the Housing (Scotland) Act 2006, the holder of the licence must ensure that the premises meet the repairing standard.

#### **Maximum Occupancy**

11. The licence holder must ensure that the number of guests residing on the premises does not exceed the number specified in the licence.

#### **Information to be displayed**

12. The holder of the licence must make the following information available within the premises in a place where it is accessible to all guests -
- (a) a certified copy of the licence and the licence conditions,
  - (b) fire, gas and electrical safety information,
  - (c) details of how to summon the assistance of emergency services,
  - (d) a copy of the gas safety report,
  - (e) a copy of the Electrical Installation Condition Report, and
  - (f) a copy of the Portable Appliance Testing Report.

#### **Planning Permission**

13. Where the premises is in a short-term let control area for the purposes of section 26B of the Town and Country Planning (Scotland) Act 1997(4) ("the 1997 Act"), the

holder of the licence must, where the use of the premises for a short-term let requires planning permission under the 1997 Act, ensure that either—

- (a) an application has been made for planning permission under the 1997 Act and has not yet been determined, or
- (b) planning permission under the 1997 Act is in force.

### **Listings**

14. (1) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises includes -
- (a) the licence number, and
  - (b) a valid Energy Performance Certificate rating if an Energy Performance Certificate is required for the premises, in accordance with the Energy Performance of Buildings (Scotland) Regulations 2008<sup>(5)</sup>.
- (2) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises is consistent with the terms of the short-term let licence.

### **Insurance**

15. The holder of the licence must ensure that there is in place for the premises -
- (a) valid buildings insurance for the duration of the licence, and
  - (b) valid public liability insurance for the duration of each short-term let agreement.

### **Payment of fees**

16. The holder of the licence must pay any fees due to the licensing authority in respect of the licence on demand.

### **False or misleading information**

17. The holder of the licence must not provide any false or misleading information to **the licensing authority**.

### **Interpretation**

18. In this schedule -

“Electrical Installation Condition Report” means a report containing the following information –

- (a) the date on which the inspection was carried out,
- (b) the address of the premises inspected,
- (c) the name, address and relevant qualifications of the person who carried out the inspection,
- (d) a description, and the location, of each installation, fixture, fitting and appliance inspected,
- (e) any defect identified,
- (f) any action taken to remedy a defect,

“Energy Performance Certificate” means a certificate which complies with regulation 6 of the Energy Performance of Buildings (Scotland) Regulations 2008),

“gas safety report” means a report containing the following information -

- (a) the date on which the appliance or flue was checked,
- (b) the address of the premises at which the appliance or flue is installed,
- (c) a description of and the location of each appliance or flue checked,
- (d) any safety defect identified,
- (e) any remedial action taken,
- (f) confirmation that the check undertaken complies with the requirements of an examination of -
  - (i) the effectiveness of any flue,
  - (ii) the supply of combustion air,
  - (iii) subject to head (iv), its operating pressure or heat input or, where necessary,
  - (iv) if it is not reasonably practicable to examine its combustion performance,
  - (v) its operation so as to ensure its safe functioning,
- (g) the name and signature of the individual carrying out the check, and
- (h) the registration number with which that individual, or that individual’s employer, is registered with a body approved by the Health and Safety Executive for the purposes of regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998(7),

“holder of the licence” means any person to whom a short-term let licence has been granted or jointly granted,

“home letting” means a short-term let consisting of the entering into of an agreement for the use, while the host is absent, of accommodation which is, or is part of, the host’s only or principal home,

“home sharing” means a short-term let consisting of the entering into of an agreement for the use, while the host is present, of accommodation which is, or is part of, the host’s only or principal home,

“premises” means the accommodation which is the subject of an application for a short-term licence or the subject of a short-term licence,

“repairing standard” means the steps which the holder of the licence is required to take to comply with the obligations placed on the holder by Chapter 4 of Part 1 of the Housing (Scotland) Act 2006(8),

“secondary letting” means a short-term let consisting of the entering into of an agreement for the use of accommodation which is not, or is not part of, the licence holder’s only or principal home,

“short-term let” has the same meaning as in article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022,

“short-term let licence” means a licence for a short-term let, and “type of short-term let” means one of the following purposes -

- (a) secondary letting,
- (b) home letting,
- (c) home sharing, or
- (d) home letting and home sharing.



David Moir  
4 Ferry Crescent  
Pitlochry  
PH16 5DZ  
27.02.2024

To PKC

Short- Term Let Application Dated 26.02.2024  
Property 2 Ferry Crescent Pitlochry PH16 5DZ  
Applicant Mr & Mrs Lawrie

With regard to the above application, I wish to make the following objections.

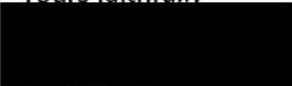
Within this cul-de sac (Ferry Crescent) there are only eight properties . Three are permanently occupied by residents. The remaining five are second homes of which two are already short-term holiday lets.

Parking can be a problem when multiple vehicles arrive at the short term lets.  
There are only three additional parking spaces available for the eight properties.

Therefore I feel that another short term let would impact on the cul-de sac.

I hope that all of the above will be taken into consideration of this application.

Yours faithfully

  
David Moir





CDS STL

---

**From:** Jennifer Forsyth [REDACTED]  
**Sent:** 28 February 2024 16:35  
**To:** CDS STL  
**Subject:** Holiday Let Objection - 2 Ferry Crescent

[REDACTED] [REDACTED]

CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

Dear Sir/Madam

**2 Ferry Crescent, Pitlochry, PH16 5DZ - application for short term letting**

We are writing with respect to the above property and their application to use it for short term letting. I wish to object to this application for the undernoted reasons.

Firstly, this is a residential area of Pitlochry, Ferry Crescent has 8 properties in it and already two of these, numbers 7 and 8, are rented out for holiday letting by owners who do not live in the area. Number 3 is on long term let, and number 5 is a second home. Number 2 was previously on a long term let under the previous owner but since being sold last year, it has been empty while being done up. So there are only 3 owner occupiers in the the cul-de-sac, a very poor ratio.

There is a desperate need in Pitlochry for long term letting properties, this would be a much better use of the house.

Additionally we feel that number 2 has inadequate parking available for holiday letting. It has one compact space in front of its garage. Already we have had problems with not only the owner but their contractors helping themselves to using our adjacent driveway at times. No permission was sought or given for this. We are very concerned that due to inadequate parking being available, holiday makers will park in the road which hampers the turning space or will abuse our driveway.

I hope you will consider our reasons for objection and take them into account when deciding whether to grant the license.

Yours faithfully

Alan and Jennifer Forsyth  
1 Ferry Crescent  
Pitlochry  
PH16 5DZ



19 Tummel Crescent  
 Pitlochry Appendix 3  
 PH16 5DF  
 6/3/24

PKC  
 LICENCE DEPT. (SHORT LETS)  
 RULLAR HOUSE  
 KINNACUL STREET  
 PERTH  
 PH1 5GD.

Dear Sirs,

Re: 3 FERRY CRESCENT, PITLOCHRY (FROM MRS LAWRIE)

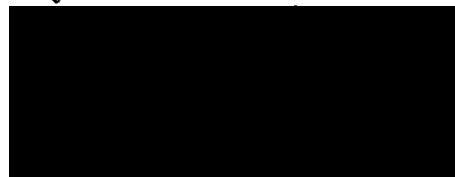
We wish to object to a short term letting licence being issued to the above property.

Access to this property from parking area runs alongside our garden.

In this small, quiet residential area there are 12 houses (FERRY & TUMMEL CRESC.) surrounding this property, of which only 7 are permanently occupied the remainder are either second homes or short term lets. The last thing Ferry/Tummel Crescent needs is another holiday let.

Pitlochry is crying out for housing for locals and essential workers, therefore wish this objection to be seriously considered.

Yours Faithfully





MRS. C. YOUNG 3  
5 FERRY CRESCENT  
PITLOCHRY  
PH 16 5 DZ.  
6th. MARCH 2024.

SHORT TERM LETS

Dear Sir,

MR. & MRS. DOUGLAS LAURIE, OWNERS OF  
NO. 2 FERRY CRESCENT, PITLOCHRY HAVE DISPATCHED  
A NOTICE APPLYING FOR SHORT-TERM LET LICENCE.

I am very concerned about this as there are  
already three holiday houses in this little cul-de-sac,  
two of which are businesses with short term lets.  
Neighbourliness is just disappearing.

All these lets have cars each week for cleaners,  
gardeners and other business, over and above  
the people renting them. Car movements and  
parking can be very difficult. Already neighbours  
had to stop extra parking for No. 2 in spaces  
owned by both residents on either side of them.

The cul-de-sac also has a water pumping station  
and associated electricity box at this end. These  
must be accessible at all times, so no parking  
is available at these, other than their own vans.

Access to numbers 2, 3, 4 and 5 with turning  
or reversing must be done with care. Strangers  
every week would make this very difficult.

I strongly object to this being another holiday  
week by week let. Please, for the owner  
residents, do not grant this licence.

Sincerely,



Joan Miller  
20a Tummel Crescent  
Pitlochry  
Perth & Kinross  
PH16 5DF

11.03.24

Dear Sir/Madam

I am writing to you with regards to the application that has been submitted for a Short -Term let by:

Mr and Mrs Lawrie  
Address: Cairnie Pier East  
St Madoes  
Perth PH2 7NE

In relation to the property  
Address :2 Ferry Crescent  
Pitlochry PH16 5DZ

I am concerned that in this residential area where there are already numerous other properties being let as holiday homes having another, would result in over saturation of homes in use for short-term purposes only.

Especially in Pitlochry where there is already has an abundance of Hotels, Chalets, Bed and Breakfast a Caravan Park, Air-Nubs, evidence shows that there is no shortage of facilities that comfortably caters for those holiday makers seeking accommodation on a short-term basis.

I am concerned about the constant relay of people that will be staying at the property, that is adjacent to my property on a short-term basis. That this will have a detrimental effect on the sense of community within this quiet residential area and isolate the elderly and those vulnerable people living in the area.

Thank you for your time reviewing my concern regarding this application,

Yours sincerely







**PERTH AND KINROSS COUNCIL – LICENSING COMMITTEE**  
**6 April 2024**  
**REPORT BY STRATEGIC LEAD – LEGAL AND GOVERNANCE**

<b>TYPE OF APPLICATION</b>	Grant of a Short-Term Let Licence
<b>APPLICANT(S)</b>	Joseph and Christina Khazaka Provisional Licence Number: PK12259P, PK12349P, PK12351P
<b>PREMISES (if applicable)</b>	1 Cottown House, Cottown, Glencarse ,Perth, Perth And Kinross, PH2 7NL 2 Cottown House, Cottown, Glencarse ,Perth, Perth And Kinross, PH2 7NL 3 Cottown House, Cottown, Glencarse ,Perth, Perth And Kinross, PH2 7NL
<b>THE APPLICATION</b>	<p>Joseph and Christina Khazaka joint Applicants, have applied for three-year short-term let licences as existing hosts (operating prior to 1 October 2022).</p> <p>The Applications have been validated by Licensing Officers and were sent out for consultation. Police Scotland, Scottish Fire and Rescue Services, and PKC Planning Department have stated they have no objections to these applications.</p> <p>The short term let properties are semi-detached houses. The Applications are for that of a secondary letting short-term let licences.</p> <p>Two of the properties have 2 bedrooms and one of the properties has 3 bedrooms; the Applicants have applied for a maximum capacity of 4 and 6 guests, respectively.</p> <p>Three letters of objection have been received with regards to this Application (see attached letters of objection).</p>
<b>RELEVANT LICENSING POLICIES</b>	<p>The Council's Short Term Let Policy was approved by the Licensing Committee on 22 September 2022.</p> <p>The Council's Short-Term Lets Policy focuses on ensuring that an efficient, effective and proportionate licensing scheme is in place, which is customised to the needs and circumstances of the Council's local area and supports applicants who wish to obtain a short-term let licence.</p> <p>The aims of the licensing scheme are:</p> <ul style="list-style-type: none"> <li>• to ensure all short-term lets are safe;</li> <li>• to facilitate licensing authorities in knowing and understanding what is happening in their area; and</li> <li>• to assist with handling complaints and address issues faced by neighbours effectively.</li> </ul> <p>In assessing an application for a short-term lets licence, the Council will consider:</p>

	<ul style="list-style-type: none"> <li>• the suitability of the person applying and that of the other people named on the application form (whether they are “fit and proper”);</li> <li>• compliance/ability to comply with mandatory conditions (applicable to all short-term lets across Scotland) (copy attached);</li> <li>• compliance/ability to comply with any additional conditions that the Council might attach to the licence (either specific to the accommodation, or specific to short-term lets in Perth and Kinross); and</li> <li>• the suitability of the premises in the context of Perth and Kinross Council’s policies.</li> </ul> <p>The Council may vary the terms of a licence on any grounds they think fit and can do this at any time. This can be done following an application made to the Council by the licence holder on their own initiative. This could include adding further conditions to the licence. The Council will consult with the statutory consultees and any other parties it considers appropriate.</p> <p><b>Conditions attached to a Short-term Let Licence</b></p> <p><b><u>Mandatory Conditions</u></b></p> <p>Any Licence will be subject to Conditions. Under the 2022 Order, there are certain conditions which the Council must attach to a short-term let licence, irrespective of the type of short-term let granted, whether it is Secondary Letting, Home Letting, Home Sharing or Home Letting and Home Sharing. These are known as “mandatory conditions” and are detailed at Annex A.</p> <p><b>Please note that the Council has no power to amend these mandatory conditions.</b></p> <p>All applicants should ensure, prior to applying for a short-term let licence of any type that they are able to comply with the mandatory conditions attached to a licence. Applicants should also note that in term of listing their premises as a licensed short-term let, as required under mandatory condition 14, the listing must include the licence number provided by the Council and the valid energy performance certificate rating) if an Energy Performance Certificate is required for the premises, in accordance with the Energy Performance of Buildings (Scotland) Regulations 2008.</p>
--	---

<p><b>LEGAL POSITION</b></p>	<p>The Civic Government (Scotland) Act 1982 provides grounds for refusal of a short-term let licence. Any decision to refuse a short-term let licence must be relevant to one or more the following grounds of refusal as detailed in the Civic Government (Scotland) Act 1982:-</p> <p>A licensing authority must grant the application unless one of the grounds of refusal exists. If, in the opinion of the Committee, a ground of refusal exists then the application must be refused.</p> <p>The grounds of refusal are:-</p> <p>(a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either –</p> <p style="padding-left: 40px;">(i) for the time being disqualified under section 7(6) of this Act, or</p> <p style="padding-left: 40px;">(ii) not a fit and proper person to be the holder of the licence;</p> <p>(b) the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application him/herself;</p> <p>(c) where the licence applied for relates to an activity consisting of or including the use of premises, those premises are not suitable or convenient for the conduct of the activity having regard to –</p> <p style="padding-left: 40px;">(i) the location, character or condition of the premises;</p> <p style="padding-left: 40px;">(ii) the nature and extent of the proposed activity;</p> <p style="padding-left: 40px;">(iii) the kind of persons likely to be in the premises;</p> <p style="padding-left: 40px;">(iv) the possibility of undue public nuisance; or</p> <p style="padding-left: 40px;">(v) public order or public safety; or</p> <p>(ca) the applicant would not be able to secure compliance with:</p> <p style="padding-left: 40px;">(i) the mandatory licence conditions, and</p> <p style="padding-left: 40px;">(ii) the standard conditions and any further conditions to which the licence is to be subject;</p> <p>(cb) the application does not contain the consent of the owners of the premises; or</p> <p>(d) there is other good reason for refusing the application;</p> <p>and otherwise shall grant the application.</p> <p>In deciding whether or not to grant or renew a Licence, the Council will consider each Application on its own merits and will take into account the following:</p> <ul style="list-style-type: none"> <li>• any Objections or Representations</li> <li>• this Licensing Policy Statement</li> <li>• any other relevant considerations</li> </ul>
------------------------------	---

<b>OPTIONS</b>	<p>The Committee need to consider whether the objection(s) received relate to the activity of a short term let licence.</p> <p>The options open to the Committee are therefore to:</p> <ul style="list-style-type: none"> <li>• grant the application;</li> <li>• grant the application for a shorter period of time;</li> <li>• grant the application with additional conditions; or</li> <li>• refuse the application if one of the grounds for refusal exist.</li> </ul>
<b>PROCEDURE</b>	<ul style="list-style-type: none"> <li>• Identify parties</li> <li>• Consider any preliminary issues</li> <li>• Members of the public speak to their representation(s)/objection(s)</li> <li>• Committee asks any questions to the objectors</li> <li>• Applicant makes submission</li> <li>• Committee asks any questions of the applicant</li> <li>• Objector/s sum up</li> <li>• Applicant sum up</li> <li>• Committee makes decision</li> </ul>

## **Annex A – Mandatory Conditions**

Mandatory conditions will be applied to all types of short-term let licences (as specified in schedule 3 of the Order) and Temporary Exemptions. The following are mandatory conditions and will apply to all licences issued:-

### **Agents**

1. Only those named as a holder of the licence can carry out the day to day management of the short- term let of the premises.

### **Type of licence**

2. The holder of the licence may only offer the type of short-term let for which the licence has been granted.

### **Fire safety**

3. The holder of the licence must ensure the premises has satisfactory equipment installed for detecting, and for giving warning of –
  - (a) fire or suspected fire, and
  - (b) the presence of carbon monoxide in a concentration that is hazardous to health.
4. The holder of the licence must keep records showing that all upholstered furnishings and mattresses within the parts of the premises which are for guest use, or to which the guests are otherwise permitted to have access, comply with the Furniture and Furnishings (Fire Safety) Regulations 1988<sup>(1)</sup>.

### **Gas safety**

5. Where the premises has a gas supply -
  - (a) the holder of the licence must arrange for an annual gas safety inspection of all gas pipes, flues and appliances in the premises,
  - (b) if, after an annual inspection, any appliance does not meet the required safety standard, the holder of the licence must not allow a short-term let of the premises until the works necessary to bring the appliance to the required safety standard have been carried out.

### **Electrical safety**

6. Where there are electrical fittings or items within the parts of the premises which are for guest use, or to which the guests are permitted to have access, the holder of the licence must -
  - (a) ensure that any electrical fittings and items are in -
    - (i) a reasonable state of repair, and
    - (ii) proper and safe working order,
  - (b) arrange for an electrical safety inspection to be carried out by a competent person at least every five years or more frequently if directed by the competent person,

- (c) ensure that, following an electrical safety inspection, the competent person produces an Electrical Installation Condition Report on any fixed installations,
  - (d) arrange for a competent person to—
    - (i) produce a Portable Appliance Testing Report on moveable appliances to which a guest has access, and
    - (ii) date label and sign all moveable appliances which have been inspected.
7. In determining who is competent, the holder of the licence must have regard to guidance issued by the Scottish Ministers under section 19B(4) of the Housing (Scotland) Act 2006.

#### **Water safety: private water supplies**

8. Where the premises are served by a private water supply, the licence holder must comply with the requirements on the owners of private dwellings set out in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017.

#### **Water safety: legionella**

9. The holder of the licence must assess the risk from exposure to legionella within the premises, whether or not the premises are served by a private water supply.

#### **Safety & repair standards**

10. (1) The holder of the licence must take all reasonable steps to ensure the premises are safe for residential use.
- (2) Where the premises are subject to the requirements of Chapter 4 of Part 1 of the Housing (Scotland) Act 2006, the holder of the licence must ensure that the premises meet the repairing standard.

#### **Maximum Occupancy**

11. The licence holder must ensure that the number of guests residing on the premises does not exceed the number specified in the licence.

#### **Information to be displayed**

12. The holder of the licence must make the following information available within the premises in a place where it is accessible to all guests -
- (a) a certified copy of the licence and the licence conditions,
  - (b) fire, gas and electrical safety information,
  - (c) details of how to summon the assistance of emergency services,
  - (d) a copy of the gas safety report,
  - (e) a copy of the Electrical Installation Condition Report, and
  - (f) a copy of the Portable Appliance Testing Report.

#### **Planning Permission**

13. Where the premises is in a short-term let control area for the purposes of section 26B of the Town and Country Planning (Scotland) Act 1997(4) ("the 1997 Act"), the

holder of the licence must, where the use of the premises for a short-term let requires planning permission under the 1997 Act, ensure that either—

- (a) an application has been made for planning permission under the 1997 Act and has not yet been determined, or
- (b) planning permission under the 1997 Act is in force.

### **Listings**

14. (1) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises includes -
- (a) the licence number, and
  - (b) a valid Energy Performance Certificate rating if an Energy Performance Certificate is required for the premises, in accordance with the Energy Performance of Buildings (Scotland) Regulations 2008<sup>(5)</sup>.
- (2) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises is consistent with the terms of the short-term let licence.

### **Insurance**

15. The holder of the licence must ensure that there is in place for the premises -
- (a) valid buildings insurance for the duration of the licence, and
  - (b) valid public liability insurance for the duration of each short-term let agreement.

### **Payment of fees**

16. The holder of the licence must pay any fees due to the licensing authority in respect of the licence on demand.

### **False or misleading information**

17. The holder of the licence must not provide any false or misleading information to **the licensing authority**.

### **Interpretation**

18. In this schedule -

“Electrical Installation Condition Report” means a report containing the following information –

- (a) the date on which the inspection was carried out,
- (b) the address of the premises inspected,
- (c) the name, address and relevant qualifications of the person who carried out the inspection,
- (d) a description, and the location, of each installation, fixture, fitting and appliance inspected,
- (e) any defect identified,
- (f) any action taken to remedy a defect,

“Energy Performance Certificate” means a certificate which complies with regulation 6 of the Energy Performance of Buildings (Scotland) Regulations 2008),

“gas safety report” means a report containing the following information -

- (a) the date on which the appliance or flue was checked,
- (b) the address of the premises at which the appliance or flue is installed,
- (c) a description of and the location of each appliance or flue checked,
- (d) any safety defect identified,
- (e) any remedial action taken,
- (f) confirmation that the check undertaken complies with the requirements of an examination of -
  - (i) the effectiveness of any flue,
  - (ii) the supply of combustion air,
  - (iii) subject to head (iv), its operating pressure or heat input or, where necessary,
  - (iv) if it is not reasonably practicable to examine its combustion performance,
  - (v) its operation so as to ensure its safe functioning,
- (g) the name and signature of the individual carrying out the check, and
- (h) the registration number with which that individual, or that individual’s employer, is registered with a body approved by the Health and Safety Executive for the purposes of regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998(7),

“holder of the licence” means any person to whom a short-term let licence has been granted or jointly granted,

“home letting” means a short-term let consisting of the entering into of an agreement for the use, while the host is absent, of accommodation which is, or is part of, the host’s only or principal home,

“home sharing” means a short-term let consisting of the entering into of an agreement for the use, while the host is present, of accommodation which is, or is part of, the host’s only or principal home,

“premises” means the accommodation which is the subject of an application for a short-term licence or the subject of a short-term licence,

“repairing standard” means the steps which the holder of the licence is required to take to comply with the obligations placed on the holder by Chapter 4 of Part 1 of the Housing (Scotland) Act 2006(8),

“secondary letting” means a short-term let consisting of the entering into of an agreement for the use of accommodation which is not, or is not part of, the licence holder’s only or principal home,

“short-term let” has the same meaning as in article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022,



“short-term let licence” means a licence for a short-term let, and “type of short-term let” means one of the following purposes -

- (a) secondary letting,
- (b) home letting,
- (c) home sharing, or
- (d) home letting and home sharing.



## CDS STL

**From:** stewart pirnie <[REDACTED]>  
**Sent:** 28 November 2023 13:26  
**To:** CDS STL  
**Subject:** Re: Objection to short-term let licence application for premises located at Cottown House, PH2 7NL (please read before 5th December)  
**Attachments:** stl 1.pdf

Dear Karen,

Objection to application for a short-term let licence for Cottown House, Glencarse, Perth PH2 7NL

Thank you very much for your email of Monday 27th and for your guidance.

Your email states that the applicant has provided a signed declaration that the Public Notice was posted in a location that was accessible to passersby, specifically, on the main gate that leads to the property where all three short-term let premises are located. In principle this declaration may appear to fulfil the applicant's requirements to inform neighbours of the intention to apply for a short-term let licence but in actuality I do not believe that it does.

If you look at the images I have taken from Google Earth (please see attached pdf document) you will be able to visualise the location of the applicant's premises. There are in fact no passersby as the entrance (main) gate is at the end of two private roads, the second of which is owned jointly by the applicant and myself (and my wife, Helen). I therefore know the location of the main gate very well and my wife and I look at it every time we leave the grounds of Oakdene, our home, either on foot or by car. We always look right, towards the main gate, to check for traffic leaving Cottown House. This is important to do as the volumes of vehicles entering and leaving the grounds of Cottown House are much higher than should normally be expected of a house inhabited by two people who share one car.

My wife and I can therefore categorically and safely state that if there was a notice placed in a visible location on this gate for a period exceeding the required 21-day period (specifically, 29 September 2023 through 21 October 2023) then we would both have noticed it and of course read it. The applicant may therefore be satisfied that it was posted in a location that was accessible to passersby but I am not. I cannot provide evidence of my statement and cannot think of a way that I can provide tangible evidence but as I am now objecting to the application, after the 28-day period has expired, with the understanding that I have missed a deadline to object, I hope that you may accept that my claim is admissible as truthful and therefore may be considered when PKDC considers this application for a short-term let licence.

My main reasons for objecting are that my wife and I were not informed that Cottown House had been converted in any way to accommodate short-term lets – I am assuming that two garages have been converted into living accommodation at some time in the past. I also have my suspicion, but only circumstantial evidence, that an outbuilding in the grounds of Cottown House, which was originally intended to be an equine insemination unit when planning permission was granted allowing the development of what was later renamed Cottown House, may be being used as a "boarding house" for trades people travelling through, or operating in, the area. The circumstantial evidence is the high volume of trades vehicles that enter and leave the property early morning or late afternoon/early evening, and the smell of cooking that is very noticeable early morning or late evening. We, most certainly, would have objected to developments of this type had we been informed of change-of-use.

The access roads to Oakdene and Cottown House from the main St. Madoes to Errol road that are used by the owners of Cottown House are maintained by a few residents of Cottown (including myself) who bear the cost and provide the labour. This maintenance is performed at least twice per year with *ad hoc* repairs also being performed during the year. I would state that the owners of Cottown House have donated a small amount of money only very few times in the last twenty years to the upkeep of these roads. The second part of the access road to Cottown House is maintained at least 95% by me. If a short-term let licence is granted to Cottown House then this will result

in the greatest volumes of traffic and consequential wear being caused by the toing and froing from Cottown House with no proportional acceptance of the maintenance cost. I do not believe it to be reasonable that I have to increase my costs as a consequence of Cottown House continuing to receive a disproportionate number of "guests".

Cottown is a small community of mainly older people. It does not seem fair that the activities at one property should be allowed to disrupt the quiet enjoyment of homes and gardens of these residents.

In conclusion, by means of this email, I, Stewart K. Pirnie of Oakdene, Glencarse, Perth PH27NL am objecting, in writing, to the application for a short-term let licence for Cottown House, Glencarse, Perth PH2 7NL.

Thank you again Karen for your help on this issue, I am very grateful, and hope that the reason for the late submission of my objection will be accepted by the Licensing Committee. If it is at all possible, can you please acknowledge receipt of this email?

Thank you.

Yours sincerely,  
Stewart K. Pirnie

----- Original Message -----

From: "CDS STL" <STL@pkc.gov.uk>

To:

Sent: Monday, 27 Nov, 23 At 12:49

Subject: Objection to short-term let licence application for premises located at Cottown House, PH2 7NL

Dear Mr. Pirnie

Thank you for your email below with respect to the application for a short-term let licence for three premises located at Cottown House, PH2 7NL.

Objections or representations should be received by the Council within 28 days of the Public Notice of Information being posted at the premises. In this case, we have received a signed declaration from the Applicant that the Public Notice was posted for a period exceeding the required 21-day period (specifically, 29 September 2023 through 21 October 2023) and are satisfied that it was posted in a location that was accessible to passersby, namely, on the main gate that leads to the property where all three short-term let premises are located. If you have evidence to the contrary, please do let us know.

In this case, any objection submitted later than 27 October 2023 would be considered late. However, if you submit an objection/representation in a form acceptable under the legislation as detailed below, the Licensing Committee has discretion to consider late objections or representations if satisfied that there is sufficient reason why the objection or representation was not received in time. If this applies you will need to explain in your objection or representation, why it is late. Your objection or representation will not be considered unless the Licensing Committee decides that it will consider it. Please ensure that any such submissions are received by no later than **5pm on Monday, 5 December 2023**, failing which the application(s) will be progressed.

All representations or objections must:

- Be made in writing;
- Specify the ground(s) of the objection or nature of the representation;
- Specify the name and address of the person making it; and
- Be signed by the objector, or on their behalf (for emails the inclusion of your name and address will count as a signature).

Further information can be viewed at [Objections and Representations to a short term let licence application](#).

Kind regards

Karen



**Karen Engelberts**

**Licensing Enforcement Officer**

Short Term Lets - Corporate and Legal Services

Perth & Kinross Council

2 High Street

Perth PH1 5PH

Telephone: 01738 475195

(9am – 12pm, Monday through Friday except for public holidays)

Web: [Short Term Lets - Perth & Kinross Council \(pkc.gov.uk\)](http://pkc.gov.uk)

The information provided may not address your individual requirements, is for informational purposes only, and does not constitute any form of legal advice. It is recommended that you seek your own, independent legal advice.

-----Original Message-----

From: Stewart Pirnie <[REDACTED]>

Sent: Thursday, November 9, 2023 8:45 AM

To: CDS STL <STL@pkc.gov.uk>

Subject: Cottown House application

CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

Dear Sir/Madam

My neighbours and I have just discovered that Mr Khazaka of Cottown House has applied for a short term let licence (28th September) presumably for part of his house that appears to have been converted from garages to living accommodation. I believe that there is a requirement for a notice of intention to be displayed by the applicant in public view. This requirement has not been complied with. My neighbours and I would appreciate your guidance on this issue.

Yours faithfully

Stewart Pirnie

Oakdene

Glencarse

The information in this email is solely for the intended recipients.

If you are not an intended recipient, you must not disclose, copy, or distribute its contents or use them in any way: please advise the sender immediately and delete this email.

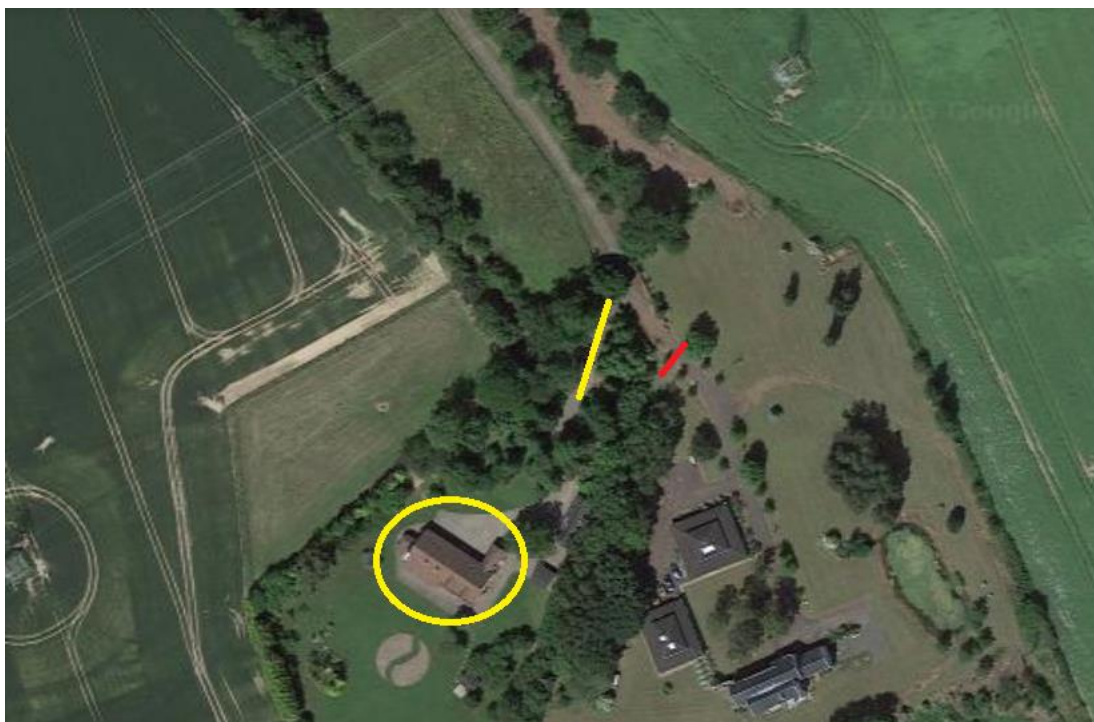
Perth & Kinross Council does not warrant that this email or any attachments are virus-free and does not accept any liability for any loss or damage resulting from any virus infection. Perth & Kinross Council may monitor or examine any emails received by its email system.

The information contained in this email may not be the views of Perth & Kinross Council. It is possible for email to be falsified and the sender cannot be held responsible for the integrity of the information contained in it.

General enquiries to Perth & Kinross Council should be made to [enquiries@pkc.gov.uk](mailto:enquiries@pkc.gov.uk) or 01738 475000.



The yellow box contains all of the houses in Cottown with the exception of my house and Cottown House. The blue line follows the private road (solum owned by a local estate but maintained by a few residents of Cottown) that is used by residents of Cottown. The orange line follows the route of a private road owned equally by Oakdene (my house) and Cottown House. The red circle shows the location of the gate/entrance to Cottown House.



The entrance to my house is the yellow line. My house (Oakdene) is circled yellow. The gate/entrance to Cottown House is indicated by the red line.



The gate/entrance to Cottown House is circled in red





**CDS STL**

---

**From:** Charles Porter <[REDACTED]>  
**Sent:** 28 November 2023 15:18  
**To:** CDS STL  
**Subject:** RE: Objection to short-term let licence application for premises located at Cottown House, PH2 7NL

**CAUTION:** This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

To Karen Engelberts, Licensing Enforcement Officer.

Dear Madam,

Many thanks for your email.

I wish to make a belated objection to the application for a short-term let application in respect of the above properties.

It was only recently I became aware that an application had been made for this licence.

You advise that a signed declaration was made by the applicant to the effect that a Public Notice was posted on the main gate leading to the property. However, the neighbour notification requirement states: ' You must notify your neighbours about your application for a new licence, and again when you apply to renew a licence. In order to comply with this requirement you will need to display a site notice at or near your premises, so it can be conveniently read by the public.'

The property in question is situated at the end of the road. As there is no pathway beyond the entrance most of the neighbours affected by this activity would not have seen any notice, if indeed it was posted. The residents in the nearest house to the property in question are the only ones likely to have seen a notice and they advise they are unaware of its presence. Accordingly, I would ask that my belated objection be considered.

Surely the place to have displayed the notice would have been at the top of the road where it would have been seen by all the residents.

We are situated on a private road that is in a very poor state of repair. The additional traffic generated by these lets causes excess wear and tear to the road. This has been a source of concern to the residents for many years but it is only now that the licencing has come into effect that I am able to object. The people who reside here are aware of the road conditions and drive accordingly; many of the people letting these properties drive at excessive speeds which increases the damage to the road, particularly when it is wet and the potholes which are regularly filled in just get washed out.

Two of the lets and converted outbuildings. I have been unable to find anything on the Council website to show that permission was sought before the conversions were undertaken. Certainly no notification of the works was made to any neighbours. If no permission was obtained then no inspection of the work will have been undertaken by the Council. Accordingly, it will not be known if the work was in accordance with the relevant regulations, of a proper standard or, indeed, if the lets are safe for habitation. If permission is granted for these lets then the Council will be condoning these actions.

Several years ago Mr Khazaka obtained permission to build 4 houses within the grounds of his house. A number of objections were made particularly in respect of the adverse effect the addition traffic would have on our road. Mr Khazaka 'bought off' the objections by undertaking to surface the road. The objections were withdrawn providing that

was made a condition of the consent. Initially he was required to bring the road up to an adoptable standard before he started building. Following submissions by him this was reduced to an acceptable condition. Building work started in the Spring of 2022 at which time I approached to Council as the road had not been completed. I was told the condition had been changed and that he was not required to surface the road until the last house had been completed. This came as quite a surprise to me and my neighbours as we were not advised of the request to have the condition changed nor given the opportunity to object. None of the houses have got beyond the foundation stage and it must be doubtful if they will ever reach fruition.

I look forward to hearing that this objection will be considered and, in due course, the outcome.

Yours faithfully

Charles Porter

Oak View  
Cottown  
Glencarse  
PH2 7NL

[REDACTED]

Karen Engelberts  
 Licensing Enforcement officer  
 Short Term Lets – Corporate and Legals Services  
 Perth & Kinross Council  
 2 High Street  
 Perth  
 PH1 5PH

Dear Ms Engelberts

As residents of Cottown we wish to object to the granting of short-term let licences for Cottown House 1,2,3.

We have only very recently become aware of this licence application. Our main reason for objecting is the access road damage caused by vehicles – cars, trucks and trailers - belonging to guests of these properties. The owners of Cottown House have contributed little or nothing to the repair of this private road during the last 20 years but yet are responsible for creating the heaviest use. The commercial vehicles belonging to itinerant trades people also create noise early in the morning or late in the evening with their comings and goings.

We, the residents, depend on the goodwill (labour and financial contribution) of a small group of residents to keep the road usable. The owners of Cottown House are not members of this group.

The activities at the various buildings at Cottown House are very unclear to us as we are unaware of any change of use since the original Cottown Stud was closed (we are not even sure if it ever opened for business). We, therefore, do not know which premises are referred to as Cottown House 1,2, or 3.

Furthermore, PKC granted planning permission for the construction of four houses in the grounds of Cottown House despite many objections to the application. A planning condition imposed by PKC that the access road should be repaired to a high standard before house construction began was later changed to the access road being repaired after all four houses are sold. No explanation has been provided for this critical amendment nor was it notified to any of the objectors.

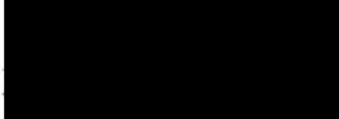
Yours sincerely,



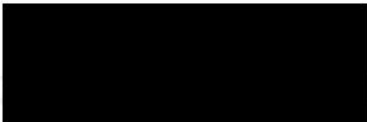
1 bottom glencare  
PH 27NL



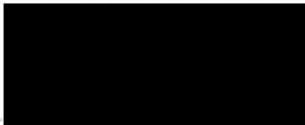
Dunglartin, Cottown  
Glencare, Perthshire.  
PH 27NL.



6.  
SHLEOCH COTTAGE  
BOTTOWN  
GLENCARE



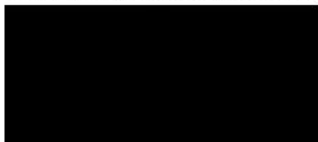
SUMMERFIELD  
COTTOWN  
GLENCARE  
PH 27NL



MARDONWAY,  
COTTOWN,  
PH 2 7NL.



The Cottar  
Glencare  
St. Madoes  
PH 2 7NL



JAVNI  
COTTOWN  
GLENCARE  
PERTSHIRE  
PH 2 7NL.

Please note that as the entrance to the grounds of Cottown House is located around 150 metres from the last house in Cottown, at the end of a private road, any public notice that may have been displayed related to a short-term let application would not have been visible to Cottown residents, hence this letter being sent to PKC after the objection deadline date.

5th March 2024

Yours sincerely,

Ken & Linda Pirie  
1 Colkoun Glencarse

Fraser & Gillian Mann  
Dunbeath Colkoun  
Glencarse

Helen Hamill  
Dalroch Cottage  
Colkoun Glencarse

David Robertson  
Summer Field Colkoun  
Glencarse

Arin Baptie Mardonway  
Colkoun Glencarse

John Donaldson  
The Cottar Colkoun  
Glencarse

I & M Hunter  
Dunrie Colkoun  
Glencarse



**PERTH AND KINROSS COUNCIL – LICENSING COMMITTEE**  
**16 April 2024**  
**REPORT BY STRATEGIC LEAD – LEGAL AND GOVERNANCE**

<b>TYPE OF APPLICATION</b>	Grant of a Short-Term Let Licence
<b>APPLICANT(S)</b>	Hilary Bruce, Angus Bruce and Alexander Bruce Provisional Licence Number: PK11689P
<b>PREMISES (if applicable)</b>	Gushat Cottage, Strathtay ,Pitlochry, Perth And Kinross, PH9 0PG
<b>THE APPLICATION</b>	<p>Hilary Bruce, Angus Bruce and Alexander Bruce joint Applicants, have applied for a three-year short-term let licence as existing hosts (operating prior to 1 October 2022).</p> <p>The Application has been validated by Licensing Officers and was sent out for consultation. Police Scotland, Scottish Fire and Rescue Services, and PKC Planning Department have stated they have no objections to this application.</p> <p>The Short term let property is a semi-detached house. The Application is for that of a secondary letting short-term let licence.</p> <p>The property has three bedrooms and the Applicant(s) have applied for a maximum capacity of six guests.</p> <p>Three letters of objection have been received with regards to this Application (see attached letters of objection).</p>
<b>RELEVANT LICENSING POLICIES</b>	<p>The Council's Short Term Let Policy was approved by the Licensing Committee on 22 September 2022.</p> <p>The Council's Short-Term Lets Policy focuses on ensuring that an efficient, effective and proportionate licensing scheme is in place, which is customised to the needs and circumstances of the Council's local area and supports applicants who wish to obtain a short-term let licence.</p> <p>The aims of the licensing scheme are:</p> <ul style="list-style-type: none"> <li>• to ensure all short-term lets are safe;</li> <li>• to facilitate licensing authorities in knowing and understanding what is happening in their area; and</li> <li>• to assist with handling complaints and address issues faced by neighbours effectively.</li> </ul> <p>In assessing an application for a short-term lets licence, the Council will consider:</p> <ul style="list-style-type: none"> <li>• the suitability of the person applying and that of the other people named on the application form (whether they are "fit and proper");</li> <li>• compliance/ability to comply with mandatory conditions (applicable to all short-term lets across Scotland) (copy attached);</li> <li>• compliance/ability to comply with any additional conditions that the Council might attach to the licence (either specific to</li> </ul>

	<p>the accommodation, or specific to short-term lets in Perth and Kinross); and</p> <ul style="list-style-type: none"> <li>the suitability of the premises in the context of Perth and Kinross Council's policies.</li> </ul> <p>The Council may vary the terms of a licence on any grounds they think fit and can do this at any time. This can be done following an application made to the Council by the licence holder on their own initiative. This could include adding further conditions to the licence. The Council will consult with the statutory consultees and any other parties it considers appropriate.</p> <p><b>Conditions attached to a Short-term Let Licence</b></p> <p><b><u>Mandatory Conditions</u></b></p> <p>Any Licence will be subject to Conditions. Under the 2022 Order, there are certain conditions which the Council must attach to a short-term let licence, irrespective of the type of short-term let granted, whether it is Secondary Letting, Home Letting, Home Sharing or Home Letting and Home Sharing. These are known as "mandatory conditions" and are detailed at Annex A.</p> <p><b>Please note that the Council has no power to amend these mandatory conditions.</b></p> <p>All applicants should ensure, prior to applying for a short-term let licence of any type that they are able to comply with the mandatory conditions attached to a licence. Applicants should also note that in term of listing their premises as a licensed short-term let, as required under mandatory condition 14, the listing must include the licence number provided by the Council and the valid energy performance certificate rating) if an Energy Performance Certificate is required for the premises, in accordance with the Energy Performance of Buildings (Scotland) Regulations 2008.</p>
--	---



<p><b>LEGAL POSITION</b></p>	<p>The Civic Government (Scotland) Act 1982 provides grounds for refusal of a short-term let licence. Any decision to refuse a short-term let licence must be relevant to one or more the following grounds of refusal as detailed in the Civic Government (Scotland) Act 1982:-</p> <p>A licensing authority must grant the application unless one of the grounds of refusal exists. If, in the opinion of the Committee, a ground of refusal exists then the application must be refused.</p> <p>The grounds of refusal are:-</p> <p>(a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either –</p> <p style="padding-left: 40px;">(i) for the time being disqualified under section 7(6) of this Act, or</p> <p style="padding-left: 40px;">(ii) not a fit and proper person to be the holder of the licence;</p> <p>(b) the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application him/herself;</p> <p>(c) where the licence applied for relates to an activity consisting of or including the use of premises, those premises are not suitable or convenient for the conduct of the activity having regard to –</p> <p style="padding-left: 40px;">(i) the location, character or condition of the premises;</p> <p style="padding-left: 40px;">(ii) the nature and extent of the proposed activity;</p> <p style="padding-left: 40px;">(iii) the kind of persons likely to be in the premises;</p> <p style="padding-left: 40px;">(iv) the possibility of undue public nuisance; or</p> <p style="padding-left: 40px;">(v) public order or public safety; or</p> <p>(ca) the applicant would not be able to secure compliance with:</p> <p style="padding-left: 40px;">(i) the mandatory licence conditions, and</p> <p style="padding-left: 40px;">(ii) the standard conditions and any further conditions to which the licence is to be subject;</p> <p>(cb) the application does not contain the consent of the owners of the premises; or</p> <p>(d) there is other good reason for refusing the application;</p> <p>and otherwise shall grant the application.</p> <p>In deciding whether or not to grant or renew a Licence, the Council will consider each Application on its own merits and will take into account the following:</p> <ul style="list-style-type: none"> <li>• any Objections or Representations</li> <li>• this Licensing Policy Statement</li> <li>• any other relevant considerations</li> </ul>
------------------------------	---

<b>OPTIONS</b>	<p>The Committee need to consider whether the objection(s) received relate to the activity of a short term let licence.</p> <p>The options open to the Committee are therefore to:</p> <ul style="list-style-type: none"> <li>• grant the application;</li> <li>• grant the application for a shorter period of time;</li> <li>• grant the application with additional conditions; or</li> <li>• refuse the application if one of the grounds for refusal exist.</li> </ul>
<b>PROCEDURE</b>	<ul style="list-style-type: none"> <li>• Identify parties</li> <li>• Consider any preliminary issues</li> <li>• Members of the public speak to their representation(s)/objection(s)</li> <li>• Committee asks any questions to the objectors</li> <li>• Applicant makes submission</li> <li>• Committee asks any questions of the applicant</li> <li>• Objector/s sum up</li> <li>• Applicant sum up</li> <li>• Committee makes decision</li> </ul>

## **Annex A – Mandatory Conditions**

Mandatory conditions will be applied to all types of short-term let licences (as specified in schedule 3 of the Order) and Temporary Exemptions. The following are mandatory conditions and will apply to all licences issued:-

### **Agents**

1. Only those named as a holder of the licence can carry out the day to day management of the short- term let of the premises.

### **Type of licence**

2. The holder of the licence may only offer the type of short-term let for which the licence has been granted.

### **Fire safety**

3. The holder of the licence must ensure the premises has satisfactory equipment installed for detecting, and for giving warning of –
  - (a) fire or suspected fire, and
  - (b) the presence of carbon monoxide in a concentration that is hazardous to health.
4. The holder of the licence must keep records showing that all upholstered furnishings and mattresses within the parts of the premises which are for guest use, or to which the guests are otherwise permitted to have access, comply with the Furniture and Furnishings (Fire Safety) Regulations 1988<sup>(1)</sup>.

### **Gas safety**

5. Where the premises has a gas supply -
  - (a) the holder of the licence must arrange for an annual gas safety inspection of all gas pipes, flues and appliances in the premises,
  - (b) if, after an annual inspection, any appliance does not meet the required safety standard, the holder of the licence must not allow a short-term let of the premises until the works necessary to bring the appliance to the required safety standard have been carried out.

### **Electrical safety**

6. Where there are electrical fittings or items within the parts of the premises which are for guest use, or to which the guests are permitted to have access, the holder of the licence must -
  - (a) ensure that any electrical fittings and items are in -
    - (i) a reasonable state of repair, and
    - (ii) proper and safe working order,
  - (b) arrange for an electrical safety inspection to be carried out by a competent person at least every five years or more frequently if directed by the competent person,

- (c) ensure that, following an electrical safety inspection, the competent person produces an Electrical Installation Condition Report on any fixed installations,
  - (d) arrange for a competent person to—
    - (i) produce a Portable Appliance Testing Report on moveable appliances to which a guest has access, and
    - (ii) date label and sign all moveable appliances which have been inspected.
7. In determining who is competent, the holder of the licence must have regard to guidance issued by the Scottish Ministers under section 19B(4) of the Housing (Scotland) Act 2006.

#### **Water safety: private water supplies**

8. Where the premises are served by a private water supply, the licence holder must comply with the requirements on the owners of private dwellings set out in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017.

#### **Water safety: legionella**

9. The holder of the licence must assess the risk from exposure to legionella within the premises, whether or not the premises are served by a private water supply.

#### **Safety & repair standards**

10. (1) The holder of the licence must take all reasonable steps to ensure the premises are safe for residential use.
- (2) Where the premises are subject to the requirements of Chapter 4 of Part 1 of the Housing (Scotland) Act 2006, the holder of the licence must ensure that the premises meet the repairing standard.

#### **Maximum Occupancy**

11. The licence holder must ensure that the number of guests residing on the premises does not exceed the number specified in the licence.

#### **Information to be displayed**

12. The holder of the licence must make the following information available within the premises in a place where it is accessible to all guests -
- (a) a certified copy of the licence and the licence conditions,
  - (b) fire, gas and electrical safety information,
  - (c) details of how to summon the assistance of emergency services,
  - (d) a copy of the gas safety report,
  - (e) a copy of the Electrical Installation Condition Report, and
  - (f) a copy of the Portable Appliance Testing Report.

#### **Planning Permission**

13. Where the premises is in a short-term let control area for the purposes of section 26B of the Town and Country Planning (Scotland) Act 1997(4) ("the 1997 Act"), the

holder of the licence must, where the use of the premises for a short-term let requires planning permission under the 1997 Act, ensure that either—

- (a) an application has been made for planning permission under the 1997 Act and has not yet been determined, or
- (b) planning permission under the 1997 Act is in force.

### **Listings**

14. (1) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises includes -
- (a) the licence number, and
  - (b) a valid Energy Performance Certificate rating if an Energy Performance Certificate is required for the premises, in accordance with the Energy Performance of Buildings (Scotland) Regulations 2008<sup>(5)</sup>.
- (2) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises is consistent with the terms of the short-term let licence.

### **Insurance**

15. The holder of the licence must ensure that there is in place for the premises -
- (a) valid buildings insurance for the duration of the licence, and
  - (b) valid public liability insurance for the duration of each short-term let agreement.

### **Payment of fees**

16. The holder of the licence must pay any fees due to the licensing authority in respect of the licence on demand.

### **False or misleading information**

17. The holder of the licence must not provide any false or misleading information to **the licensing authority**.

### **Interpretation**

18. In this schedule -

“Electrical Installation Condition Report” means a report containing the following information –

- (a) the date on which the inspection was carried out,
- (b) the address of the premises inspected,
- (c) the name, address and relevant qualifications of the person who carried out the inspection,
- (d) a description, and the location, of each installation, fixture, fitting and appliance inspected,
- (e) any defect identified,
- (f) any action taken to remedy a defect,

“Energy Performance Certificate” means a certificate which complies with regulation 6 of the Energy Performance of Buildings (Scotland) Regulations 2008),

“gas safety report” means a report containing the following information -

- (a) the date on which the appliance or flue was checked,
- (b) the address of the premises at which the appliance or flue is installed,
- (c) a description of and the location of each appliance or flue checked,
- (d) any safety defect identified,
- (e) any remedial action taken,
- (f) confirmation that the check undertaken complies with the requirements of an examination of -
  - (i) the effectiveness of any flue,
  - (ii) the supply of combustion air,
  - (iii) subject to head (iv), its operating pressure or heat input or, where necessary,
  - (iv) if it is not reasonably practicable to examine its combustion performance,
  - (v) its operation so as to ensure its safe functioning,
- (g) the name and signature of the individual carrying out the check, and
- (h) the registration number with which that individual, or that individual’s employer, is registered with a body approved by the Health and Safety Executive for the purposes of regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998(7),

“holder of the licence” means any person to whom a short-term let licence has been granted or jointly granted,

“home letting” means a short-term let consisting of the entering into of an agreement for the use, while the host is absent, of accommodation which is, or is part of, the host’s only or principal home,

“home sharing” means a short-term let consisting of the entering into of an agreement for the use, while the host is present, of accommodation which is, or is part of, the host’s only or principal home,

“premises” means the accommodation which is the subject of an application for a short-term licence or the subject of a short-term licence,

“repairing standard” means the steps which the holder of the licence is required to take to comply with the obligations placed on the holder by Chapter 4 of Part 1 of the Housing (Scotland) Act 2006(8),

“secondary letting” means a short-term let consisting of the entering into of an agreement for the use of accommodation which is not, or is not part of, the licence holder’s only or principal home,

“short-term let” has the same meaning as in article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022,

“short-term let licence” means a licence for a short-term let, and “type of short-term let” means one of the following purposes -

- (a) secondary letting,
- (b) home letting,
- (c) home sharing, or
- (d) home letting and home sharing.





**CDS STL**

---

**From:** Alison Forsyth [REDACTED]  
**Sent:** 16 August 2023 15:07  
**To:** CDS STL  
**Subject:** Objection to application for short term let re Gushat Cottage , Strathtay, PH9 0PG

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

**Objection to short term let application re Gushat Cottage , Strathtay, PH9 0PG**

My grounds of objection are as set out below.

There is a housing crisis within the village. People wishing to live and work in the village cannot find accommodation and have to move away from the area. This is due to the cost of housing having been pushed up by short term let investors and second homes.

This has eroded the ability of local businesses to be able to properly recruit staff. As depopulation increases local essential services also suffer.

The current application for a short term let licence relates to a modest size property which sits in the heart of the village. The demand for this type of property within the long term let market would be considerable. The owners are marketing the property though Cottages.com (property ref UK42752). Earnings in August 2024 ( if full booked) amount to £6,915. Without control of the short term let market the housing market will be unable to regulate itself and the cost of housing and long term rents will become even further out of the reach of ordinary residents who wish to live and work in the local community. This will have a significant adverse impact on the local community as fewer people use and contribute to local services and amenities.

The village of strathtay has a very real and growing problem of second homes and short terms lets which are eroding the community and impacting on the viability of local services and amenities.

There are existing short term lets within the village which are appended to main residences. This allows people to live permanently in the area and use the let as form of income. I would like to make it clear that I have no objection to that type of short term let. The application currently under consideration is not in that category. It is a medium sized property which sits in the heart of the village within walking distance of local amenities such as the village shop. It is a type of property which could be rented 100 times over in the long term let market. However, the lucrative nature of the short term let market means that, if left unregulated, the market will continue to exacerbate the acute housing crisis in the area.

Kind regards

[REDACTED]

Alison Forsyth  
 Cluain  
 Strathtay  
 Perthshire  
 PH9 0PJ



**CDS STL**

**From:** Graham Forsyth [REDACTED]  
**Sent:** 28 August 2023 16:14  
**To:** CDS STL  
**Subject:** Objection to application for short-term let licence re Gushat Cottage ,Strathtay, PH9 0PG  
 [REDACTED] [REDACTED]

**CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.**

**Objection to short-term let licence application re Gushat Cottage , Strathtay, PH9 0PG**

As a permanent resident of Strathtay my grounds of objection to the above short-term let licence application are as follows:

- There is a housing crisis within the village. People wishing to live and work in the village cannot find accommodation and have to move away from the area. This is due to the cost of housing having been pushed up by short term let investors and second homes.
- I have recently conducted a survey of the village and of the 56 residential properties within the confines of the village, 31 are permanent residences (55%), 22 are second homes (39%) and 13 properties are currently rented either as short or long term let.(23%). It appears that there are already 7 short term lets operating in the village  
These are disturbing figures with approximately 35% of homes in the village no longer owned residences or long term lets.
- The village of Strathtay has a very real and growing problem of second homes and short terms lets which are eroding the community and impacting on the viability of local services and amenities.
- This has eroded the ability of local businesses to be able to properly recruit staff. As depopulation increases local essential services also suffer.
- The current application for a short-term let licence relates to a modest size property which sits in the heart of the village. The demand for this type of property within the long term let market would be considerable and would therefore accelerate the erosion of the local community further.
- The owners are already marketing the property though Cottages.com (property ref UK42752) and appear to have been doing so since late Spring. Earnings in August 2024 ( if full booked) amount to £6,915. Without control of the short term let market the housing market will be unable to regulate itself and the cost of housing and long term rents will become even further out of the reach of ordinary residents who wish to live and work in the local community. This will have a significant adverse impact on the local community as fewer people use and contribute to local services and amenities.
- The application currently under consideration is a medium sized property which sits in the heart of the village within walking distance of local amenities such as the village shop. It is a type of property which could be rented 100 times over in the long term let market. However, the lucrative nature of the short term let market means that, if left unregulated, the market will continue to exacerbate the acute housing crisis in the area.

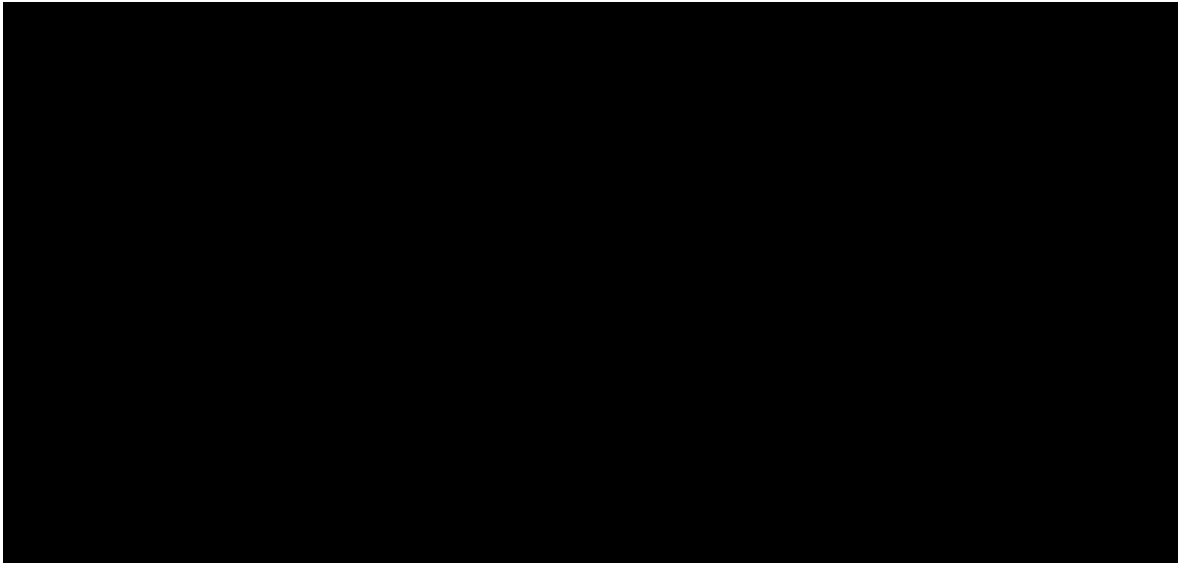
- There is a lack of affordable and appropriate housing for local residents and granting this short-term let licence would have a detrimental effect on local amenity with some businesses, schools or other services that serve, and are reliant on, permanent residents closing or relating.

For all of the above reasons I would strongly encourage Perth and Kinross Council to refuse this short-term let licence application.

Kind regards,



Graham Forsyth  
Cluain  
Strathtay  
Pitlochry  
PH9 0PJ







CDS STL

---

**From:** Geoffrey Porter [REDACTED]  
**Sent:** 29 August 2023 09:04  
**To:** CDS STL  
**Subject:** Short Term Lease Objection - Gushat Cottage , Strathtay, PH9 0PG  
[REDACTED] [REDACTED]

CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

Short Term Lease Objection - Gushat Cottage , Strathtay, PH9 0PG

As a member of Strathtay Golf Club and Perthshire resident I object to the above short-term let licence application:

The local community has seen a large increase in the number of holiday lets, and empty second homes over recent years, and this is killing this village community, I fear that local amenities will soon become lost i.e. Local School, Post Office, bus services.

The village of Strathtay has a lack of long term rental properties, which I think is adding to the change demographics of the village. The population seems to be ageing. This has reduced the ability of local businesses to properly recruit staff.

The is a medium sized property which sits in the heart of the village within walking distance of local amenities such as the post office. It is a property which could be easily placed in the long term let market.

There is a lack of affordable and appropriate housing for local residents and granting this short-term let licence would have a detrimental effect on local the community and services that are reliant on, permanent residents.

For all of the above reasons I would encourage Perth and Kinross Council to reject this short-term let licence application.

Kind regards,

Geoff Porter  
Mailer Way  
Perth PH2 0GE

