

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

Council Building
2 High Street
Perth
PH1 5PH

19/03/2024

A hybrid meeting of the **Licensing Committee** will be held in the **Council Chamber** on **Wednesday, 27 March 2024** at **10:00**.

If you have any queries please contact Committee Services on (01738) 475000 or email 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

Wednesday, 27 March 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**
- 2 DECLARATIONS OF INTEREST**
- 3 GRANT OF A SHORT TERM LET LICENCE - PROVISIONAL LICENCE NO. PK11692P 5 - 18**
Report by Strategic Lead - Legal and Governance (copy herewith 24/100)
- 4 GRANT OF A SHORT TERM LET LICENCE - NEW OPERATION - 19 - 30**
1 DUNBAR COURT, GLENEAGLES VILLAGE, AUCHTERARDER PH3 1 SE
Report by Strategic Lead - Legal and Governance (copy herewith 24/101)
- 5 GRANT OF A SHORT TERM LET LICENCE - PROVISIONAL LICENCE NO. PK11646P 31 - 42**
Report by Strategic Lead - Legal and Governance (copy herewith 24/102)
- 6 GRANT OF A SHORT TERM LET LICENCE - PROVISIONAL LICENCE NO. PK11728P 43 - 54**
Report by Strategic Lead - Legal and Governance (copy herewith 24/103)
- 7 GRANT OF A SHORT TERM LET LICENCE - PROVISIONAL LICENCE NO. PK12308P 55 - 84**
Report by Strategic Lead - Legal and Governance (copy herewith 24/104)
- 8 GRANT OF A SHORT TERM LET LICENCE - PROVISIONAL LICENCE NO. PK11842P 85 - 104**
Report by Strategic Lead - Legal and Governance (copy herewith 24/105)

- 9 GRANT OF A SHORT TERM LET LICENCE - PROVISIONAL LICENCE NO. PK11790P** **105 - 124**
Report by Strategic Lead - Legal and Governance (copy herewith 24/106)
- 10 REVIEW OF HOUSES IN MULTIPLE OCCUPATION FEES** **125 - 130**
Report by Strategic Lead - Legal and Governance (copy herewith 24/107)

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
27 March 2024
REPORT BY STRATEGIC LEAD – LEGAL AND GOVERNANCE

TYPE OF APPLICATION	Grant of a Short-Term Let Licence
APPLICANT(S)	Mr Jeremy Connell Provisional Licence Number: PK11692P
PREMISES (if applicable)	The Cottage, 26 Lower Oakfield, Pitlochry, Perth and Kinross, PH16 5DS
THE APPLICATION	<p>Mr Connell, the sole Applicant, has applied for a three-year short-term let licence as an existing host (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 semi-detached house. The Application is for that of a 'secondary letting' short-term let licence.</p> <p>The property has two bedrooms, the Applicant has applied for a maximum capacity of four guests.</p> <p>One letter of objection has been received with regards to this Application (see attached letter of objection).</p>
RELEVANT LICENSING POLICIES	<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"> • to ensure all short-term lets are safe; • to facilitate licensing authorities in knowing and understanding what is happening in their area; and • to assist with handling complaints and address issues faced by neighbours effectively. <p>In assessing an application for a short-term lets licence, the Council will consider:</p> <ul style="list-style-type: none"> • the suitability of the person applying and that of the other people named on the application form (whether they are "fit and proper"); • compliance/ability to comply with mandatory conditions (applicable to all short-term lets across Scotland) (copy attached);

	<ul style="list-style-type: none"> • 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 • the suitability of the premises in the context of Perth and Kinross Council's policies. <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>Conditions attached to a Short-term Let Licence</p> <p><u>Mandatory Conditions</u></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>Please note that the Council has no power to amend these mandatory conditions.</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>LEGAL POSITION</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"> • any Objections or Representations • this Licensing Policy Statement • any other relevant considerations
------------------------------	---

OPTIONS	<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"> • grant the application; • grant the application for a shorter period of time; • grant the application with additional conditions; or • refuse the application if one of the grounds for refusal exist.
PROCEDURE	<ul style="list-style-type: none"> • Identify parties • Consider any preliminary issues • Members of the public speak to their representation(s)/objection(s) • Committee asks any questions to the objectors • Applicant makes submission • Committee asks any questions of the applicant • Objector/s sum up • Applicant sum up • Committee makes decision

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⁽¹⁾.

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⁽⁵⁾.
- (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.

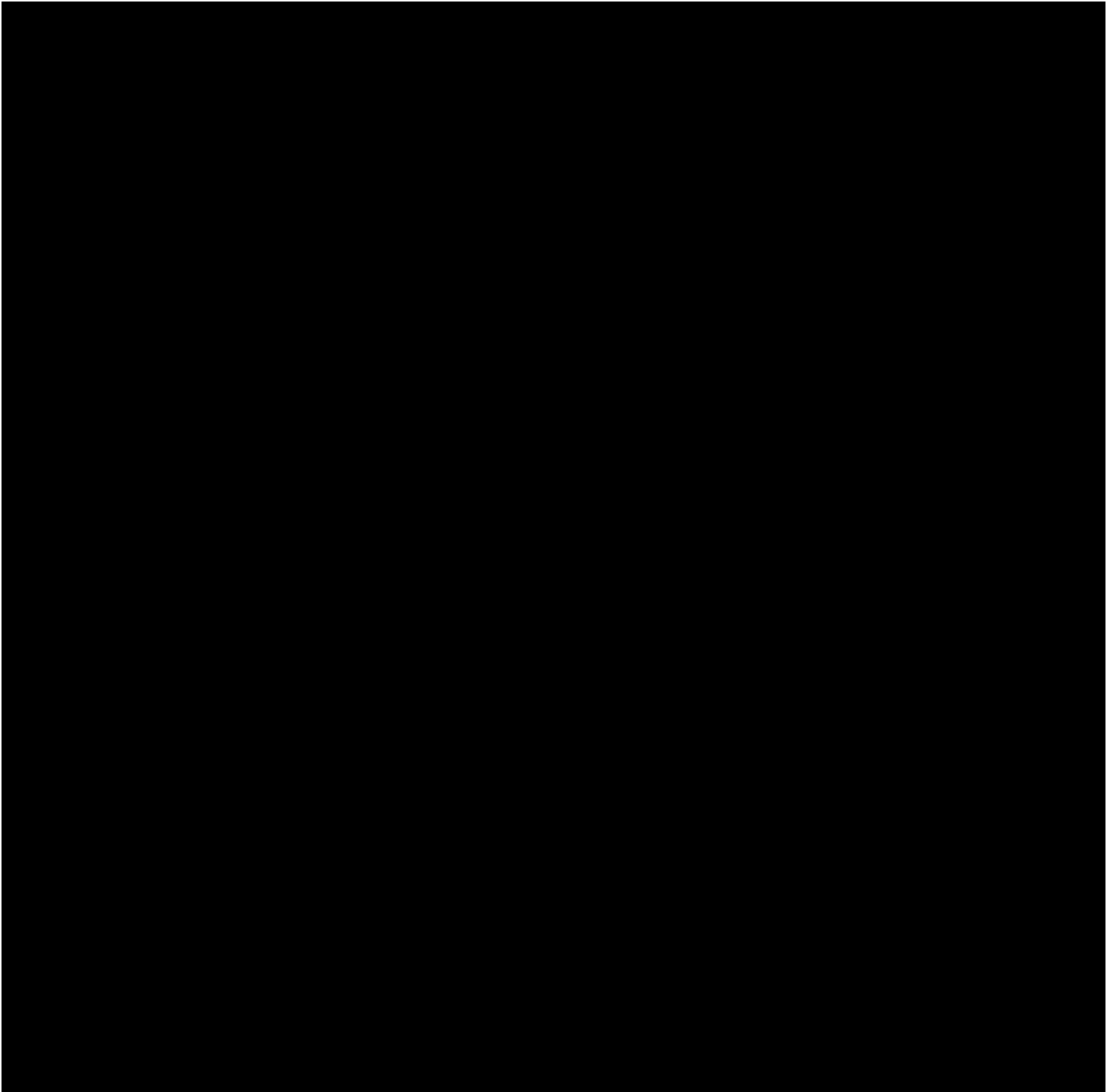
CDS STL

From: John McLaren-Stewart [REDACTED]
Sent: 28 January 2024 09:22
To: CDS STL
Subject: Re: IMPORTANT UPDATE - Objection to Short term let licence - The Cottage, 26 Lower Oakfield Pitlochry PH16 5DS

Hi there...the objection was submitted on time, but apparently I had to add my address. This was missing so I had to resubmit.

JMS

John McLaren-Stewart
[REDACTED]



From: John McLaren-Stewart [REDACTED]
Sent: Thursday, November 2, 2023 9:34 AM
To: CDS STL <STL@pkc.gov.uk>
Subject: Re: Update - Objection to Short term let licence - The Cottage, [26 Lower Oakfield Pitlochry PH16 5DS](#)

Hi...apologies, address now included.

JMS

Applicant: Mr Jeremy Connell

We would like to object to this application on the following basis:

1. This street is almost exclusively AirBnB or B&B's

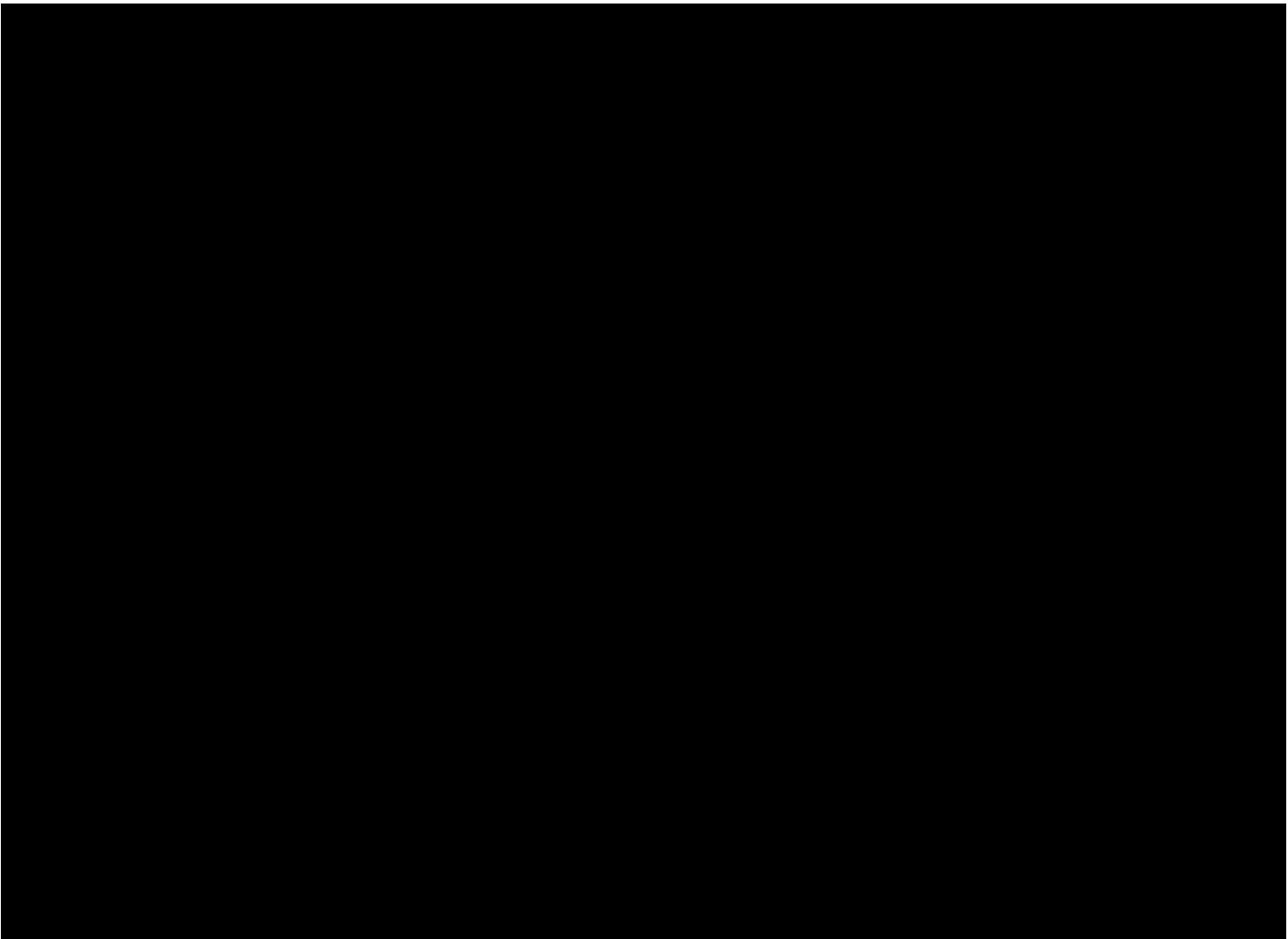
2. There are no pavements or parking restrictions on this road making it dangerous in busy periods due to the number of vehicles parked on the road. This is a narrow road with barely room for two cars to pass each other.
3. Residents are now outnumbered by short term visitors with the consequential noise disruption
4. 2nd home owners are already draining the community out of a small town, where young or local people cannot afford or are able to find suitable accommodation
5. Most of these 2nd home owners dont even live in the local community. This applicant lives in London.
6. as residents across from the street we regularly are woken up by noise from holiday revelers returning to the short term lets from the town centre.

Many thanks

John McLaren-Stewart

[2 East Moulin Road](#)

[Pitlochry PH16 5DW](#)



PERTH AND KINROSS COUNCIL – LICENSING COMMITTEE
27 March 2024
REPORT BY STRATEGIC LEAD – LEGAL AND GOVERNANCE

TYPE OF APPLICATION	Grant of a Short-Term Let Licence
APPLICANT(S)	DSQL Investments Ltd Provisional Licence Number: N/A
PREMISES (if applicable)	1 Dunbar Court, Gleneagles Village, Auchterarder, Perth and Kinross, PH3 1SE
THE APPLICATION	<p>DSQL Investments Ltd, the sole, corporate entity Applicant, has applied for a three-year short-term let licence as a new host (not operating prior to 1 October 2022). All Directors of the corporate entity have been named in the Application.</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 self-contained flat. The Application is for that of a 'secondary' short-term let licence.</p> <p>The property has three bedrooms, and the Applicant(s) has applied for a maximum capacity of six guests.</p> <p>One letter of objection has been received with regards to this Application (see attached letter of objection).</p>
RELEVANT LICENSING POLICIES	<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"> • to ensure all short-term lets are safe; • to facilitate licensing authorities in knowing and understanding what is happening in their area; and • to assist with handling complaints and address issues faced by neighbours effectively. <p>In assessing an application for a short-term lets licence, the Council will consider:</p> <ul style="list-style-type: none"> • the suitability of the person applying and that of the other people named on the application form (whether they are "fit and proper"); • compliance/ability to comply with mandatory conditions (applicable to all short-term lets across Scotland) (copy attached);

	<ul style="list-style-type: none"> • 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 • the suitability of the premises in the context of Perth and Kinross Council's policies. <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>Conditions attached to a Short-term Let Licence</p> <p><u>Mandatory Conditions</u></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>Please note that the Council has no power to amend these mandatory conditions.</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>LEGAL POSITION</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"> • any Objections or Representations • this Licensing Policy Statement • any other relevant considerations
------------------------------	---

OPTIONS	<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"> • grant the application; • grant the application for a shorter period of time; • grant the application with additional conditions; or • refuse the application if one of the grounds for refusal exist.
PROCEDURE	<ul style="list-style-type: none"> • Identify parties • Consider any preliminary issues • Members of the public speak to their representation(s)/objection(s) • Committee asks any questions to the objectors • Applicant makes submission • Committee asks any questions of the applicant • Objector/s sum up • Applicant sum up • Committee makes decision

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⁽¹⁾.

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⁽⁵⁾.
- (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: Peter Kelly <[REDACTED]>
Sent: 27 November 2023 19:01
To: CDS STL
Cc: Lisa Kelly
Subject: Re: 1 Dunbar Court, Gleneagles Village, PH3 - Objection to Short Term Lets

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 Sirs

Representation in respect of Application For Short Term License

Property: 1 Dunbar Court, Gleneagles, Perthshire, PH3 1SE

Applicants Details: DQSL Investments Ltd

Objector Details – Peter Kelly and Lisa Coyle, 20 Dunbar Court and 3 Glamis Court

We wish to strenuously object to the applications for short term lets at 1 Dunbar Court.

Our objection is “late” as no notice was issued or displayed by the applicant. We walk by that property regularly and no application notice was visible. The contracted gardeners confirmed the same and we only became aware of the application via our neighbours who had checked the application system online. As such, the applicant should have to notify again but, at the very least, given the fact it was not notified, this objection should be valid and heard.

We own 20 Dunbar Court, and are in missives to purchase 3 Glamis Court and short term lets has resulted in:

- The area being much too busy.
- There being no car parking as groups are coming and taking over.
- Anti social behaviour, drunkenness and extreme noise/noise pollution, all of which combine in reducing our amenity and that of our neighbours.
- Short lets guests driving cars too fast in what was a safe area for our children to play.

It is clear short term lets are happening and will continue to happen. Short term lets attract groups who use the facilities of the hotel and this results in those groups being drunken and noisy last at night.

If the applications are granted, the issue will become more problematic and severe. There will be no controls on groups or behaviours and this anti social behaviour impacts heavily on owners and long term renters who come to this safe haven to enjoy the amenity and quiet. All of this will be impacted by the behaviour of short term landlords who simply wish to profit at the expense of the amenity of others.

I understand the Owners Association are objecting too and that short term lets may even be prohibited in the title of ownership. If this is the case, an application granted would breach longstanding title conditions that are there for a reason. To stop disruption by a minority of the majority.

I also believe that for 1 Dunbar Court, there will be encroachment and use of common land which will affect both of our properties and reduce security.

Many thanks for considering.

Regards

Peter R. Kelly



PERTH AND KINROSS COUNCIL – LICENSING COMMITTEE
27 March 2024
REPORT BY STRATEGIC LEAD – LEGAL AND GOVERNANCE

TYPE OF APPLICATION	Grant of a Short-Term Let Licence
APPLICANT(S)	Michael Oak and Veronica Oak Provisional Licence Number: PK11646P
PREMISES (if applicable)	The Beeches, 39 Dunbar Court, Gleneagles Village, Auchterarder, Perth and Kinross, PH3 1SE
THE APPLICATION	<p>Michael Oak and Veronica Oak, 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 terraced house. The Application is for that of a 'secondary letting' short-term let licence.</p> <p>The property has one bedroom, and the Applicant(s) has applied for a maximum capacity of two guests.</p> <p>One letter of objection has been received with regards to this Application (see attached letter of objection).</p>
RELEVANT LICENSING POLICIES	<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"> to ensure all short-term lets are safe; to facilitate licensing authorities in knowing and understanding what is happening in their area; and to assist with handling complaints and address issues faced by neighbours effectively. <p>In assessing an application for a short-term lets licence, the Council will consider:</p> <ul style="list-style-type: none"> the suitability of the person applying and that of the other people named on the application form (whether they are "fit and proper"); compliance/ability to comply with mandatory conditions (applicable to all short-term lets across Scotland) (copy attached);

	<ul style="list-style-type: none"> • 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 • the suitability of the premises in the context of Perth and Kinross Council's policies. <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>Conditions attached to a Short-term Let Licence</p> <p><u>Mandatory Conditions</u></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>Please note that the Council has no power to amend these mandatory conditions.</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>LEGAL POSITION</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>(i) for the time being disqualified under section 7(6) of this Act, or</p> <p>(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>(i) the location, character or condition of the premises;</p> <p>(ii) the nature and extent of the proposed activity;</p> <p>(iii) the kind of persons likely to be in the premises;</p> <p>(iv) the possibility of undue public nuisance; or</p> <p>(v) public order or public safety; or</p> <p>(ca) the applicant would not be able to secure compliance with:</p> <p>(i) the mandatory licence conditions, and</p> <p>(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"> • any Objections or Representations • this Licensing Policy Statement • any other relevant considerations
------------------------------	---

OPTIONS	<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"> • grant the application; • grant the application for a shorter period of time; • grant the application with additional conditions; or • refuse the application if one of the grounds for refusal exist.
PROCEDURE	<ul style="list-style-type: none"> • Identify parties • Consider any preliminary issues • Members of the public speak to their representation(s)/objection(s) • Committee asks any questions to the objectors • Applicant makes submission • Committee asks any questions of the applicant • Objector/s sum up • Applicant sum up • Committee makes decision

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⁽¹⁾.

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⁽⁵⁾.
- (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: Peter Kelly [REDACTED]
Sent: 20 September 2023 18:35
To: CDS STL
Cc: [REDACTED]
Subject: Re: 39 Dunbar Court, Gleneagles Village, PH3 - Objection to Short Term Lets

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 Sirs

Objector Name and Address – Peter Kelly, 20 Dunbar Court, Gleneagles Village PH3 1SE

We wish to strenuously object to the applications for short term lets at 39 Dunbar Court.

We own 20 Dunbar Court and short term lets has resulted in:

- The area being much too busy.
- There being no car parking as groups are coming and taking over.
- Anti social behaviour, drunkenness and extreme noise/noise pollution, all of which combine in reducing our amenity and that of our neighbours.
- Short lets guests driving cars too fast in what was a safe area for our children to play.

It is clear short term lets are happening and will continue to happen. Short term lets attract groups who use the facilities of the hotel and this results in those groups being drunken and noisy last at night.

If the applications are granted, the issue will become more problematic and severe. There will be no controls on groups or behaviours and this anti social behaviour impacts heavily on owners and long term renters who come to this safe haven to enjoy the amenity and quiet. All of this will be impacted by the behaviour of short term landlords who simply wish to profit at the expense of the amenity of others.

I understand the Owners Association are objecting too and that short term lets may even be prohibited in the title of ownership. If this is the case, an application granted would breach longstanding title conditions that are there for a reason. To stop disruption by a minority of the majority.

Many thanks for considering.

Regards

Peter R. Kelly
[REDACTED]

PERTH AND KINROSS COUNCIL – LICENSING COMMITTEE
27 March 2024
REPORT BY STRATEGIC LEAD – LEGAL AND GOVERNANCE

TYPE OF APPLICATION	Grant of a Short-Term Let Licence
APPLICANT(S)	Lorraine Stewart Provisional Licence Number: PK11728P
PREMISES (if applicable)	The Gleneagles Holiday Home, 40 Dunbar Court, Gleneagles Village, Auchterarder, Perth and Kinross, PH3 1SE
THE APPLICATION	<p>Ms Stewart, the sole Applicant, has applied for a three-year short-term let licence as an existing host (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 terraced house. The Application is for that of a 'secondary letting' short-term let licence.</p> <p>The property has one bedroom, and the Applicant(s) has applied for a maximum capacity of two guests.</p> <p>One letter of objection has been received with regards to this Application (see attached letter of objection).</p>
RELEVANT LICENSING POLICIES	<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"> • to ensure all short-term lets are safe; • to facilitate licensing authorities in knowing and understanding what is happening in their area; and • to assist with handling complaints and address issues faced by neighbours effectively. <p>In assessing an application for a short-term lets licence, the Council will consider:</p> <ul style="list-style-type: none"> • the suitability of the person applying and that of the other people named on the application form (whether they are "fit and proper"); • compliance/ability to comply with mandatory conditions (applicable to all short-term lets across Scotland) (copy attached);

	<ul style="list-style-type: none"> • 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 • the suitability of the premises in the context of Perth and Kinross Council's policies. <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>Conditions attached to a Short-term Let Licence</p> <p><u>Mandatory Conditions</u></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>Please note that the Council has no power to amend these mandatory conditions.</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>LEGAL POSITION</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>(i) for the time being disqualified under section 7(6) of this Act, or</p> <p>(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>(i) the location, character or condition of the premises;</p> <p>(ii) the nature and extent of the proposed activity;</p> <p>(iii) the kind of persons likely to be in the premises;</p> <p>(iv) the possibility of undue public nuisance; or</p> <p>(v) public order or public safety; or</p> <p>(ca) the applicant would not be able to secure compliance with:</p> <p>(i) the mandatory licence conditions, and</p> <p>(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"> • any Objections or Representations • this Licensing Policy Statement • any other relevant considerations
------------------------------	---

OPTIONS	<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"> • grant the application; • grant the application for a shorter period of time; • grant the application with additional conditions; or • refuse the application if one of the grounds for refusal exist.
PROCEDURE	<ul style="list-style-type: none"> • Identify parties • Consider any preliminary issues • Members of the public speak to their representation(s)/objection(s) • Committee asks any questions to the objectors • Applicant makes submission • Committee asks any questions of the applicant • Objector/s sum up • Applicant sum up • Committee makes decision

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⁽¹⁾.

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⁽⁵⁾.
- (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.

Civic Licensing

From: Peter Kelly <[REDACTED]>
Sent: 20 September 2023 18:36
To: CDS STL
Cc: Lisa Kelly
Subject: 40 Dunbar Court, Gleneagles Village, PH3 - Objection to Short Term Lets

Follow Up Flag: Follow up
Flag Status: Completed

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 Sirs

Objector Name and Address – Peter Kelly, 20 Dunbar Court, Gleneagles Village PH3 1SE

We wish to strenuously object to the applications for short term lets at 40 Dunbar Court.

We own 20 Dunbar Court and short term lets has resulted in:

- The area being much too busy.
- There being no car parking as groups are coming and taking over.
- Anti social behaviour, drunkenness and extreme noise/noise pollution, all of which combine in reducing our amenity and that of our neighbours.
- Short lets guests driving cars too fast in what was a safe area for our children to play.

It is clear short term lets are happening and will continue to happen. Short term lets attract groups who use the facilities of the hotel and this results in those groups being drunken and noisy last at night.

If the applications are granted, the issue will become more problematic and severe. There will be no controls on groups or behaviours and this anti social behaviour impacts heavily on owners and long term renters who come to this safe haven to enjoy the amenity and quiet. All of this will be impacted by the behaviour of short term landlords who simply wish to profit at the expense of the amenity of others.

I understand the Owners Association are objecting too and that short term lets may even be prohibited in the title of ownership. If this is the case, an application granted would breach longstanding title conditions that are there for a reason. To stop disruption by a minority of the majority.

Many thanks for considering.

Regards

Peter R. Kelly

[REDACTED]

PERTH AND KINROSS COUNCIL – LICENSING COMMITTEE
27 March 2024
REPORT BY STRATEGIC LEAD – LEGAL AND GOVERNANCE

TYPE OF APPLICATION	Grant of a Short-Term Let Licence
APPLICANT(S)	Ms Heather Hutchison Provisional Licence Number: PK12308P
PREMISES (if applicable)	Tigh Na Beannich 5 Gartwhinzean Loan, Powmill, Dollar, Perth and Kinross, FK14 7LU
THE APPLICATION	<p>Ms Hutchison, the sole Applicant, has applied for a three-year short-term let licence as an existing host (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 detached house. The Application is for that of a 'Secondary Letting' short-term let licence.</p> <p>The property has five bedrooms, the Applicants has applied for a maximum capacity of 13 guests.</p> <p>Four letters of objection have been received with regards to this Application (see attached letters of objection).</p>
RELEVANT LICENSING POLICIES	<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"> • to ensure all short-term lets are safe; • to facilitate licensing authorities in knowing and understanding what is happening in their area; and • to assist with handling complaints and address issues faced by neighbours effectively. <p>In assessing an application for a short-term lets licence, the Council will consider:</p> <ul style="list-style-type: none"> • the suitability of the person applying and that of the other people named on the application form (whether they are "fit and proper"); • compliance/ability to comply with mandatory conditions (applicable to all short-term lets across Scotland) (copy attached);

	<ul style="list-style-type: none"> • 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 • the suitability of the premises in the context of Perth and Kinross Council's policies. <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>Conditions attached to a Short-term Let Licence</p> <p><u>Mandatory Conditions</u></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>Please note that the Council has no power to amend these mandatory conditions.</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>LEGAL POSITION</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>(i) for the time being disqualified under section 7(6) of this Act, or</p> <p>(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>(i) the location, character or condition of the premises;</p> <p>(ii) the nature and extent of the proposed activity;</p> <p>(iii) the kind of persons likely to be in the premises;</p> <p>(iv) the possibility of undue public nuisance; or</p> <p>(v) public order or public safety; or</p> <p>(ca) the applicant would not be able to secure compliance with:</p> <p>(i) the mandatory licence conditions, and</p> <p>(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"> • any Objections or Representations • this Licensing Policy Statement • any other relevant considerations
------------------------------	---

OPTIONS	<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"> • grant the application; • grant the application for a shorter period of time; • grant the application with additional conditions; or • refuse the application if one of the grounds for refusal exist.
PROCEDURE	<ul style="list-style-type: none"> • Identify parties • Consider any preliminary issues • Members of the public speak to their representation(s)/objection(s) • Committee asks any questions to the objectors • Applicant makes submission • Committee asks any questions of the applicant • Objector/s sum up • Applicant sum up • Committee makes decision

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⁽¹⁾.

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⁽⁵⁾.
- (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.

Civic Licensing

From: ANDREW SMITH [REDACTED]
Sent: 06 October 2023 15:56
To: CDS STL
Cc: [REDACTED]
Subject: objection to STL ID 478
Attachments: Objection to 5GW v0.4.docx

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.

Written objection to STL application ID 478 for "Tigh Na Beannich" 5 Gartwhinzean Loan, FK14 7LU
Please acknowledge receipt

6th October 2023

Dear Perth and Kinross Council : Short Term Let ID 478

We are writing to place on record with Perth and Kinross Council (PKC) our strong objections to the short term let licence application "478" by a neighbouring house which shares a 20m garden border with us. "Tigh Na Beannaich" 5, Gartwhinzean Loan applied on 28th September 2023 to change their designated status from a residential property in a quiet residential area of about 20 homes. They apparently lived there for two decades after building completed 30 years ago and raised their children there, then moved away. We have lived here almost 3 years and have been blighted by this "Party House" on Gartwhinzean Loan and shall substantiate all five permitted grounds of objection as those premises are not suitable or convenient for the conduct of short term let activity having regard to the following :

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

We request that short term let activity is prohibited with immediate effect in the light of multiple breaches of PKC rules at 5, Gartwhinzean Loan until the due process of PKC has concluded. The owners of the property continue to show a blatant disregard for the due process of PKC. They waited until the last day possible to submit their application and failed to inform neighbours or display any notice which they are required to do. PKC has already ruled against "Stag Parties" or "Hen Parties" in a written report (ref 22/00011/STL) for that property in late 2022 and yet one such Hen Party took place on 19th May 2023, photographic evidence retained by my neighbour.

Here are details and examples under the respective categories of why 5, Gartwhinzean Loan premises are not suitable or convenient for the conduct of short term let activity having regard to :

i) location and condition :
Location is in the middle of a quiet residential area of about 20 homes all of which are owner occupied full time. There have been numerous occasions of excessive noise, screaming and shouting, and antisocial behaviour. The owners of number 5 benefitted from this quiet residential location when their children were growing up, but now fail to respect this location as unsuitable for a short term let property.

ii) nature and extent of activity :
There is a swimming pool in the centre of the house which extends out into a conservatory which opens towards two neighbouring properties. This pool is the source of excessive and disturbing noise levels measured between 60 and 80 decibels from the garden doors of the next door property. There is often loud screaming and shouting on the Monday and Friday evenings of holiday rentals with noise levels similar to a public swimming pool due to the excitement of hirers seeking to maximise their short stay. The noise levels rise further when the doors next to the pool are opened, usually by people wishing to smoke and to escape the din inside. The screaming is often alarming as though

someone is in difficulty in the pool. There is neither risk assessment nor effective safe operating procedures for the swimming pool. The pool area cannot be isolated from all the bedrooms overnight and it can only be a matter of time before there is a serious accident and perhaps a fatality as there is a major risk of drowning. There is also an uncertain risk of chemical poisoning of the household if proper operating procedures are not followed by each and every visitor.

iii) kind of persons using the property :

The house is usually occupied by multiple households and often for a party or other celebration or event. There have been stag parties and hen parties, most recently on May 19th 2023, as well as teenagers attending parties, such as on 21st November 2021 – see also v) Public Order and Public Safety below. The house often has many cars on the driveways and the pavement outside, such as 8 vehicles photographed on 28th January 2023, the last one blocking the pavement. None of the residents of Gartwhinzean Loan park their vehicles on the street.

iv) the possibility of undue public nuisance:

There have been regular instances of public nuisance, usually excessive noise evenings and late at night. This extends to loud and abusive language, singing shouting and screaming, and abusive verbal responses to any appeals for quiet. The noises from the pool at number 5 are similar to a public swimming pool especially on the first night of any rental. The type of noise from a public swimming pool would not be tolerated by a planning application in a quiet residential area.

There have been many other examples public nuisance, including unseasonal fireworks let off, such as November 25th 2021 at midnight, several very loud rockets were launched and one landed on the roof of a neighbouring house before exploding.

The refuse collection is another regular cause of public nuisance in this clean and tidy residential area, with their wheelie bins are often left blocking the pavement for days. As recently as the week when the owner made their application, on 23rd September 2023 the wrong bin was on the pavement. 2 days later black plastic sacks of rubbish were left on the driveway attracting rodents. The next day PKC made a special collection of rubbish, presumably at the request of the owner who probably claimed the collection service had ignored their bins, when in fact they were not out for collection.

v) public order or public safety :

Public order has been breached by numerous instances of abusive language and threatening behaviour from residents when asked to be quiet. The police had to be called on several occasions in 2022 and on at least one of these occasions the Police were subject to abusive language and threatening behaviour likely to cause a breach of the peace. Police have had to warn neighbours not to approach the occupants or the property in case of disturbances, but to ring the police, which has often become necessary. For example 15th November 2021 10pm there was excessive noise waking my neighbours and too loud for us to go to sleep. I went to the door of number 5 and demanded they respect their neighbours and be quiet. Police subsequently visited me next day and insisted we should not go to number 5 in future, but to call them instead. Next time, in the early hours of the morning, police were called and police were threatened and verbally abused on the doorstep of number 5. This has happened more than 20 times in the 33 months we have lived next door. Any application for a premises to be used in such a way as to threaten public order and public safety should be rejected, especially in any quiet residential area.

In summary, 5, Gartwhinzean Loan premises are not suitable or convenient for the conduct of short term let activity. Such activity should be ceased immediately pending permanent prohibition when this application is rightly declined, and any subsequent appeal processes are exhausted. There is still no notice published at 5 Gartwhinzean Loan, and I request PKC attend and prohibit further activity if no such notice is found to be on display.

Our thanks in anticipation,
Andrew Smith & Catherine Smith
9 Gartwhinzean Loan, Powmill, DOLLAR. FK14 7LU

Civic Licensing

From: Jason Craig [REDACTED]
Sent: 22 October 2023 22:14
To: CDS STL
Subject: FOA Licensing Department: Objection to Short Term Let License application - Tigh Na Beannaich, 5 Gartwhinzean Loan, Powmill, FK147LU (Licence Number PK12308P)
Attachments: PK12308P Objection to short term let application number.docx; PK12308P Objection to short term let application number.pdf

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 whom it may be concerned,
 Please find attached my objection to the application for a short-term letting licence for my neighbouring property at 5 Gartwhinzean Loan, Powmill, FK14 7LU.
 I understand the council expects concerns from neighbours to be raised with the operators in the first instance, however, as you will see in my letter, there are historic and ongoing concerns raised with the running of this short term let of which the operators are aware, and to which there has been no satisfactory resolution.
 Unfortunately, our last hope is to raise this objection with the Licensing Department.
 I hope I have been able to cover the issues in accordance with the guidelines specified on the Perth and Kinross Council website, however, I would be happy to discuss these concerns in greater detail at any time convenient to the license committee.
 On a final note, I would like to identify that no public notice has been displayed (contrary to the requirements of application process).
 Kind Regards,
 Jason Craig
 Tel: [REDACTED]
 Address: 7 Gartwhinzean Loan, Powmill, FFK147LU

Jason Craig
Bruthach Mhor, 7 Gartwhinzean Loan
Powmill
Perth and Kinross
FK147LU

22nd October 2023

To whom it may concern,

I am writing to object to the application for a short-term letting license for the address 'Tigh Na Beannaich' at 5 Gartwhinzean Loan, Powmill, FK14 7LU (Licence Number PK12308P; ID – 478).

Please note that despite PKC guidance, the owner of the property has failed to engage with the neighbours about their intentions to apply for a licence, and there has been no public Site Notice displayed in the vicinity of the property. This is despite the application going to PKC almost one month ago.

This objection is made on the grounds of:

1. The location, character, or condition of the premises;
2. The nature and extent of the proposed activity;
3. The kind of persons likely to be in the premises;
4. The possibility of undue public nuisance; and
5. Public order/ safety

I will address these points below.

- 1. The location character, or condition of the premises; and**
- 2. The nature and extent of the proposed activity**

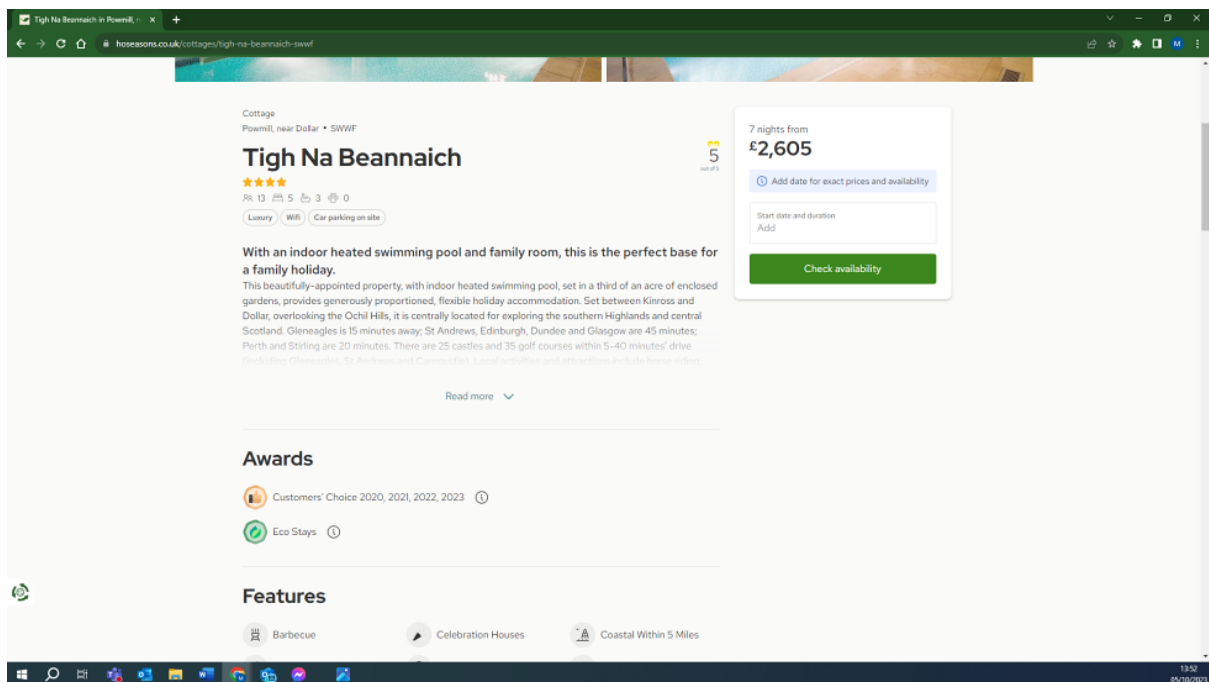
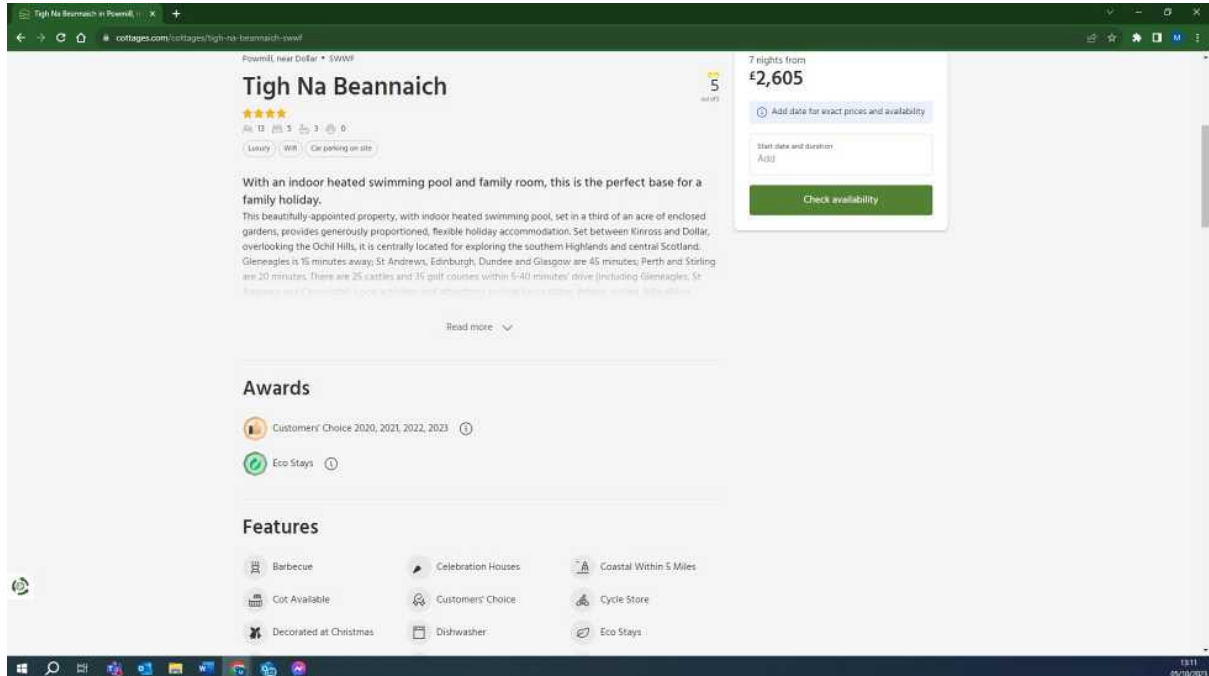
Gartwhinzean Loan is a quiet country-side settlement consisting of 16 houses. The residents composed of retirees and young families. Most of the neighbours get on very well and there is a strong sense of community between the long-term residents of this street. This is interrupted only by the presence of this short term let, which regularly sees large groups of people with no interest or investment in the community, stay for an average of 3-4 days and move on again. The turnover can be highly frequent, and it is not uncommon for one set of guests to depart in the morning with another set arriving in the afternoon. With capacity set at 13 people, this means that it is not unusual for there to be 26 strangers come and go in our street each week. For a street that has a long-term population of closer to 30 this is highly unsettling. The average number of people per household on Gartwhinzean Loan is two or three, and therefore a requested capacity of 13 in the short term let clearly puts the group sizes out of character with the residential nature of the immediate area.

In the immediate houses surrounding this property there is an elderly couple, two retired couples, and one young family with a small child aged 7. The representation of more vulnerable groups in the long-term residents who are reliant on neighbourly support and their local community for safety suggests that a property for large, transient groups is not suitable for, or in keeping with, the character of the location.

The continued operation of a short-term letting facility within the neighbourhood would continue to adversely impact the character and amenity of the local area, particularly the residential amenity of those living permanently in the residential street.

3. The kind of persons likely to be in the premises; and
4. The possibility of undue public nuisance

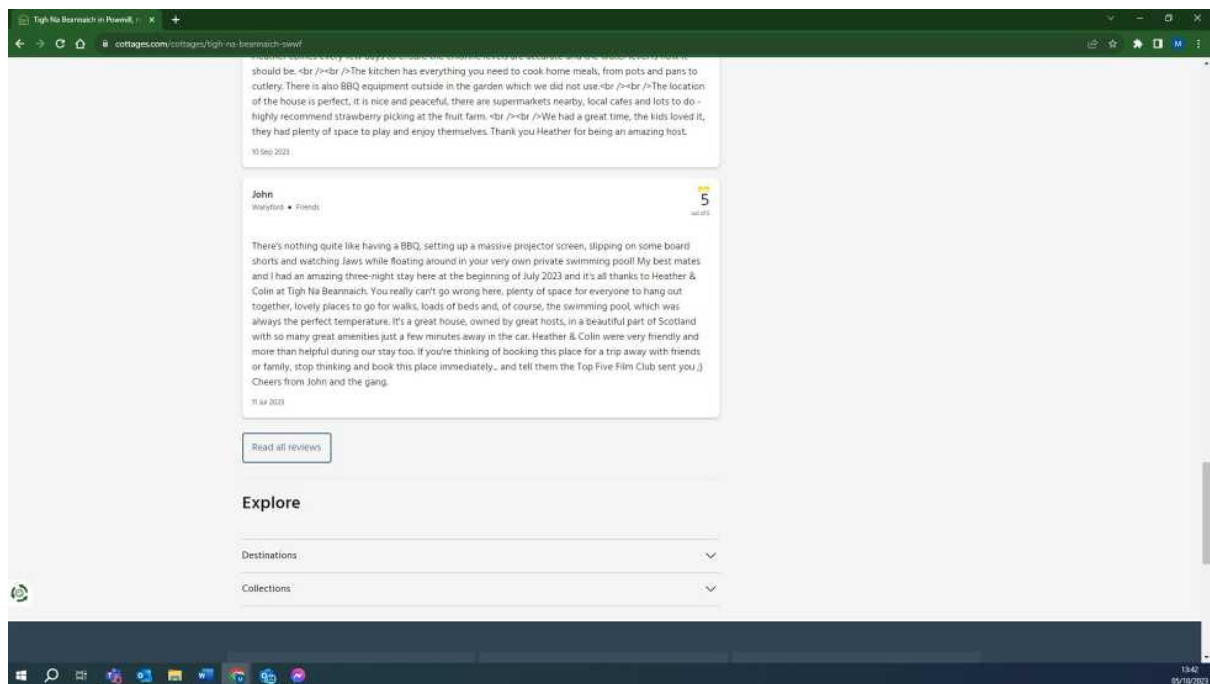
Given the size of the property, it's stated capacity, the cost associated with its use and the feature of the in-door swimming pool - the house is designed to appeal to large groups and regularly gets described as a 'party house'. On at least two of the listings the property is listed and promoted as a 'Celebration House' - see screenshots below taken on 5th October 2023:



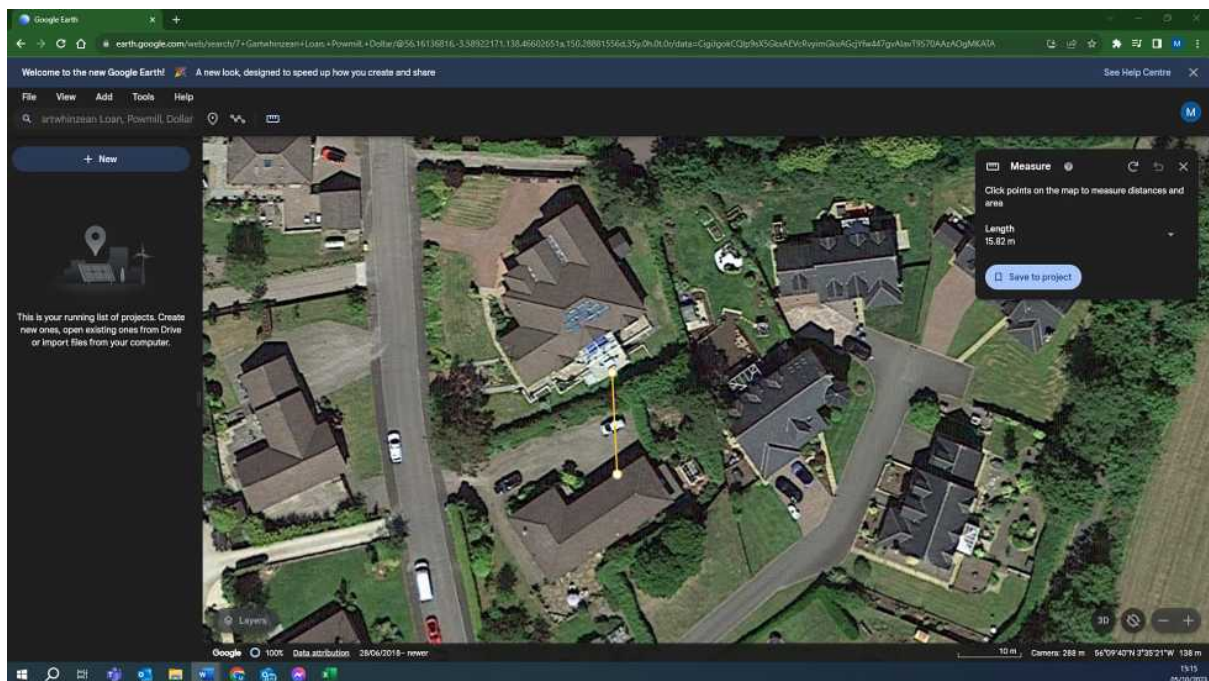
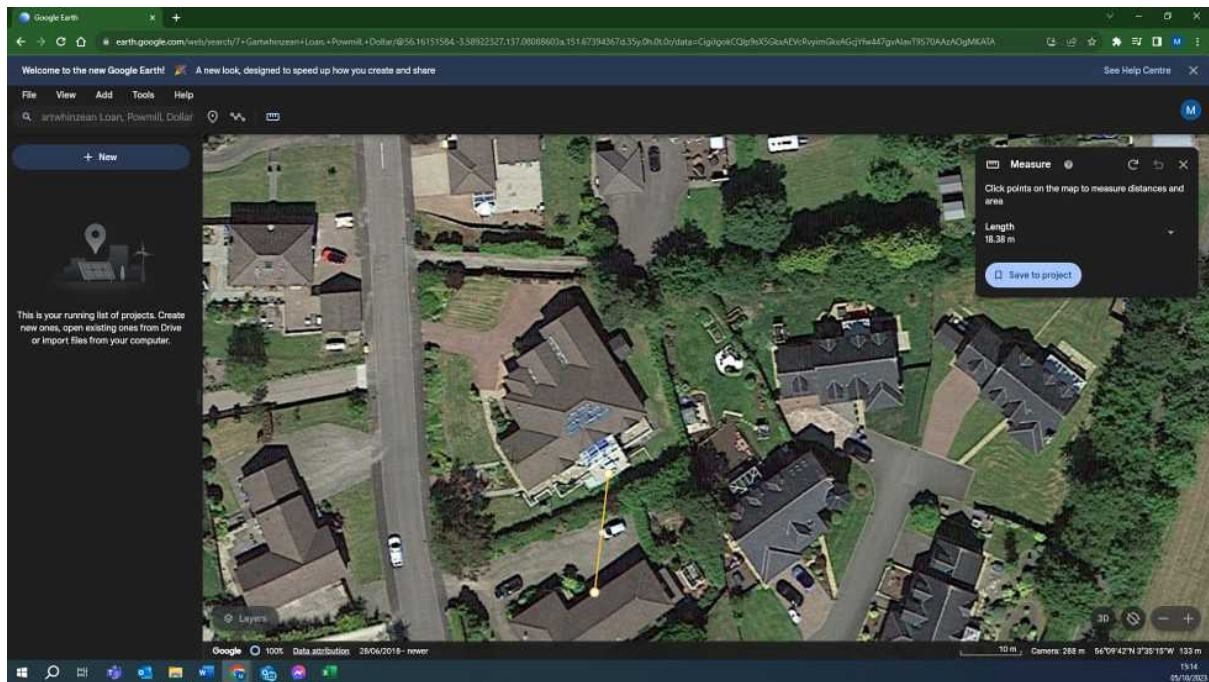
Historically the property has attracted large groups for parties; including hen and stag parties. After complaints made to the Perth and Kinross planning enforcement department, a Closing Report from PKC directed that the property is to be "occupied as a whole to one family or extended families, and this is not let to stag and hen parties" (report available for case reference number 22/00011/STL).

As recently as 19th May 2023 the property hosted a hen party (for which there is photographic evidence of a group of females, gathered and drinking alcohol in the back garden while sporting sashes that say 'Hen Party'). The owner seemed unaware or ambivalent that the guests were hosting a hen party, and further was unaware that this was expressly not permitted within the Closing Report from the Perth and Kinross Planning Enforcement Agency (case reference number 22/00011/STL).

Furthermore, despite the aforementioned Closing Report stating that the house is to be “occupied, as a whole to one family or extended families”, there is clear evidence that contrary to how the property continues to be used. From July 2023, there is publicly available evidence of the property being let to groups of friends rather than families (see screenshot of review from John, below, taken on 5th October 2023).



The property is designed to be let to large groups (up to 13 adults) which requires areas for gathering – this naturally results in groups often gathering at night to smoke, drink, and converse in outdoor areas (given that smoking is not permitted indoors). Unfortunately, this area is only 16 meters from my bedroom window and 18m from the bedroom window of my son (see screen shots below from Google Earth with distances).



As the rest of the street is so quiet, the noise carries. It has kept my family awake on many nights over the years that we have lived here. When guests regularly enter and leave the house, the outside light comes on and noise from inside the house (music and loud conversation – often with loud, coarse language – again for which there is video evidence) is carried outside. The pool has been fully equipped with a disco ball, multicoloured lights, and a sound system wired throughout the house (again for which there is video evidence). The fact that the pool is surrounded only by a single-glazed structure further amplifies the sound and light pollution out into the neighbourhood.

When guests arrive, there are often disturbances from late-night grocery deliveries. We have been woken by the sounds of glass, cans and general rubbish being disposed of late at night and early in the morning as unfortunately the bin storage is located next to our bedrooms. This has occurred as recently as Sunday 8th October 2023 where guests were loudly disposing of garbage at 10pm. Furthermore, we have regularly been disrupted by the arrival of buses late at night delivering large, loud, intoxicated groups back to the property.

The disruption, stress, insecurity, and anxiety this causes to my family and other neighbours negatively impacts our quality of life and my experience of living in this neighbourhood.

5. Public health and safety

On occasions where the owners have been contacted regarding issues, there have regularly been several days delay to respond or responses indicating that the owners are unable to attend/ contact the guests. The owners manage the property themselves, and if they are away, there is no management whatsoever.

In these scenarios we have been left to put up with the disturbances ourselves which is very anxiety inducing. It is intimidating to approach a large group of intoxicated strangers and ask them to please keep the noise down or to move inside. My family have on occasion felt unsafe in doing so.

We have also sought advice from Citizens Advice, as well as Perth and Kinross safer communities' team, and Perth and Kinross planning council. None of which resulted in the owners taking sufficient actions to satisfactorily minimise the disruption to the neighbouring properties. We have been required to call the police on several occasions to help deal with anti-social behaviour. The behaviour has included, but is not limited to, noise nuisance and drunken behaviour such as screaming/ shouting, loud music, and loud swearing (which is particularly concerning as I have a young child who can hear these discussions). Fireworks have also been let off from the short-term let (during parties) that could easily land in surrounding properties. I understand that I am not the only resident who has felt no option but to complain to police. I am aware of at least four occasions of the police attending within the last two years to deal with anti-social complaints/ behaviour.

There seems to be a lack of awareness/willingness to comply with the minimal by the owners. For example, when a concern was raised regarding the hen party which took place in May, the owners informed us that they believed that it was their decision whether they accepted stag parties, and that it was not a decision which had been imposed by PKC (I can provide copies of the text exchange to corroborate this, if required). Their belief was obviously incorrect, and we had to direct them to the aforementioned Closing Report which they had been provided, and which expressly forbids use for these purposes. This non-compliance alludes to an ongoing sense of dismissiveness from the applicants about the negative impacts that the use of the house has on the neighbouring properties.

Non-compliance with application process for short-term license

As mentioned at the start of this letter, regarding the process of applying for a license for short-term letting, despite publicly available and clear guidance detailing applicants responsibility (i.e. “you must notify neighbours of intent to apply” - https://www.pkc.gov.uk/media/50146/Short-term-Lets-Information-and-Guidance/pdf/Short-term_Lets_-_Information_and_Guidance.pdf?m=637998779188800000) - at time of writing, neither I, nor any of my neighbours have been engaged with by the applicants.

I believe this is because the applicants are fully aware of the difficulties their property has caused the neighbourhood and are not willing to take our neighbourhood’s concerns into account. Furthermore, the guidance indicates that the applicants must clearly “display a site notice at or near the premises so it can be conveniently read by the public.” Despite the application being made on 28th September 2023 (according to the Perth and Kinross register), at the time of writing (22nd October 2023) there is still no visible notice. The applicants have not attempted to engage or provide reassurance despite being aware of the negative impact of the short term let on the community, and despite having been on the premises multiple times recently, having our phone numbers, and email addresses.

This could and should be a lovely family home in a nice community.

Thank you for providing the opportunity to raise our concerns. I hope that these are taken into consideration as we would dearly love to be able to live in peace and security in our own home.

Kindest regards,

Jason Craig

Civic Licensing

From: Jessica Leslie [REDACTED]
Sent: 18 October 2023 10:55
To: CDS STL
Subject: Objection to short term let POK12308P
Attachments: Objection to short term let PK12308P.docx

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,

Please find attached my objection letter regarding the short term let application for 5 Gartwhzinean Loan, Powmill (PK12308P)

My apologies if the objection is late. No public notice has been displayed at the property and I only learned of the application from a neighbour last week.

Kind Regards,

Jessica Leslie

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.

Jessica Leslie
6 Gartwhinzean Loan
Powmill
FK14 7LU

Tuesday 17th October 2023

Dear Sir/Madam,

I am writing to object to the application for a short-term letting licence for the address 'Tigh Na Beannaich' at 5 Gartwhinzean Loan, Powmill, FK14 7LU, license number PK12308P.

The information and guidance around licence applications clearly states that neighbours must be notified when applying for, or renewing, a licence. Furthermore, a site notice is required to be clearly displayed at the property. No such contact has been made and no site notice has been visible. I am disheartened at the lack of transparency from the owners and that I had to learn of their application from a neighbouring resident.

This objection is made on the grounds of:

1. The nature and extent of the proposed activity;
2. The kind of persons likely to be in the premises;
3. The possibility of undue public nuisance;
4. The location, character, or condition of the premises; and
5. Public order/ safety

In particular:

- 1. The nature and extent of the proposed activity;**
- 2. The kind of persons likely to be in the premises;**
- 3. The possibility of undue public nuisance;**

I was not aware until recently of the restrictions previously imposed on the property limiting its use. (Case reference 22/00011/STL, specifies that the property is to be "occupied as a whole to one family or extended families, and this is not let to stag and hen parties") With this information now brought to my attention, it is disappointing to recognise how often these restrictions have not been adhered to.

On multiple occasions, I have witnessed a large number of guests arrive by minibus with taxis arriving to drop off further visitors into the evening hours. Disco lighting and balloons have been clearly visible through the front windows and at times, music and shouting has carried to our property across the street. Visiting groups tend to gather on the front steps, balcony or in the garden to drink, smoke and chat which are clearly visible from our property. This indicates that the property has been used for parties and non-family groups and it is extremely concerning that prior restrictions have not been followed. Therefore, the nature of use of the property, the kinds of persons likely to be in the premises and the possibility of public nuisance is cause for objection.

- 4. The location, character, or condition of the premises;**
- 5. Public order/safety**

Gartwhinzean Loan is a cul-de-sac in the rural village of Powmill. With residents ranging from 7 to 90 years of age and an otherwise quiet and secure location, it is alarming to think how many strangers come and go to the property each week, often one group will check out in the morning with a new group arriving later that day. Given that the property has clearly been used in the past for non-family, party groups, this poses a security and public health risk to the permanent properties and is not in keeping with the permanent community of retirees and families.

Thank you and kind regards,
Jessica Leslie

Civic Licensing

From: Monica Craig [REDACTED]
Sent: 10 October 2023 01:07
To: CDS STL
Subject: FOA Licensing Department: Objection to Short Term Let License application - Tigh Na Beannaich, 5 Gartwhinzean Loan, Powmill, FK147LU (Licence Number PK12308P)
Attachments: Objection to short term let application number PK12308P.docx
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.

To whom it may be concerned,

Please find attached my objection to the application for a short-term letting licence for my neighbouring property at 5 Gartwhinzean Loan, Powmill, FK14 7LU.

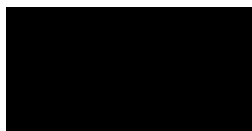
I understand the council expects concerns from neighbours to be raised with the operators in the first instance, however, as you will see in my letter, there are historic and ongoing concerns raised with the running of this short term let of which the operators are aware, and to which there has been no satisfactory resolution.

Unfortunately, our last hope is to raise this objection with the Licensing Department.

I hope I have been able to cover the issues in accordance with the guidelines specified on the Perth and Kinross Council website, however, I would be happy to discuss these concerns in greater detail at any time convenient to the license committee.

On a final note, I would like to identify that I am not aware of a final date for objections in relation to this application as no public notice has been displayed (contrary to the requirements of application process). I am therefore submitting the objection within 21 days of the application date specified on the Short term lets licensing public register on PKC website (28th September 2023).

Kindest regards,
Monica Craig



Tel: [REDACTED]
Address: 7 Gartwhinzean Loan, Powmill, FK14 7LU
Email: [REDACTED]

Monica Craig
7 Gartwhinzean Loan
Powmill
Perth and Kinross
FK147LU

Monday 9th October 2023

To whom it may concern,

I am writing to object to the application for a short-term letting license for the address 'Tigh Na Beannaich' at 5 Gartwhinzean Loan, Powmill, FK14 7LU (Licence Number PK12308P; ID – 478).

This objection is made on the grounds of:

1. The location, character, or condition of the premises;
2. The nature and extent of the proposed activity;
3. The kind of persons likely to be in the premises;
4. The possibility of undue public nuisance; and
5. Public order/ safety

I will endeavour to address these points below.

- 1. The location character, or condition of the premises; and**
- 2. The nature and extent of the proposed activity**

Gartwhinzean Loan is a quiet country-side settlement consisting of 16 houses. The residents are in the majority composed of retirees and young families. Most of the neighbours get on very well and there is a strong sense of community between the long-term residents of this street. This is interrupted only by the presence of this short term let which regularly sees large groups of people with no interest or investment in community, stay for an average of 3-4 days and move on again. The turnover can be highly frequent, and it is not uncommon for one set of guests to depart in the morning with another set arriving in the afternoon. With capacity set at 13 people, this means that it is not unusual for there to be 26 strangers come and go in our street each week. For a street that has a long-term population of closer to 35 this is highly unsettling. The average number of people per household on Gartwhinzean Loan is three, a requested capacity of 13 is clearly puts the group sizes out of character with the residential nature of the immediate area.

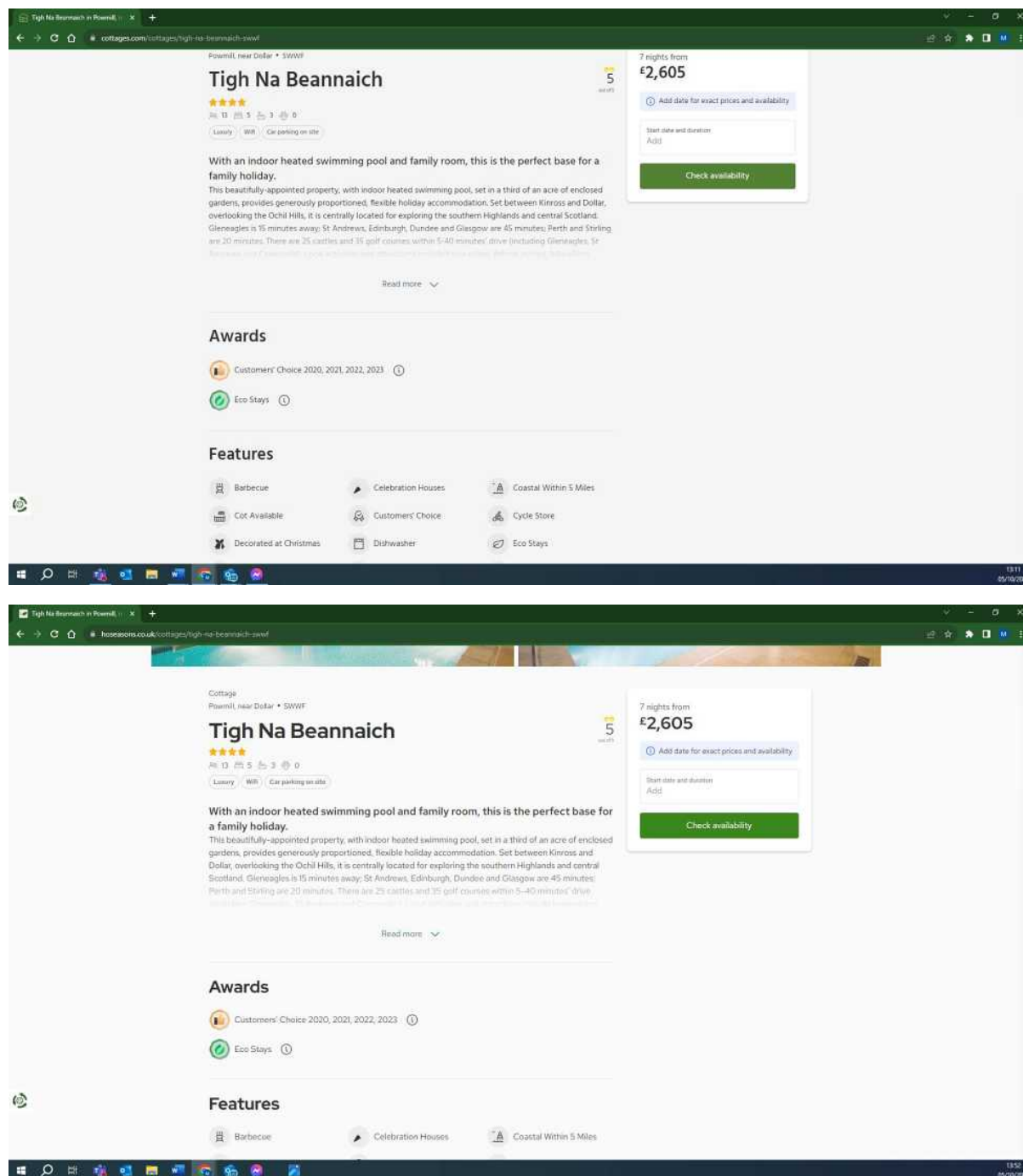
In the immediate houses surrounding this property there is an elderly couple (one of whom is in their 80s and the other in their 90s), two older retired couples, and one young family with a small child aged 7. The representation of more vulnerable groups in the long-term residents who are reliant on neighbourly support and their local community for safety suggests that a property for large, transient groups is not suitable for, or in keeping with, the character of the location.

The continued operation of a short-term letting facility within the neighbourhood would continue to impact adversely on the character and amenity of the local area, particularly the residential amenity of those living permanently in the residential street.

- 3. The kind of persons likely to be in the premises; and**
- 4. The possibility of undue public nuisance**

Given the size of the property, it's stated preferred capacity, the cost associated with its use and the feature of the in-door swimming pool - the house is designed to appeal to large groups and regularly

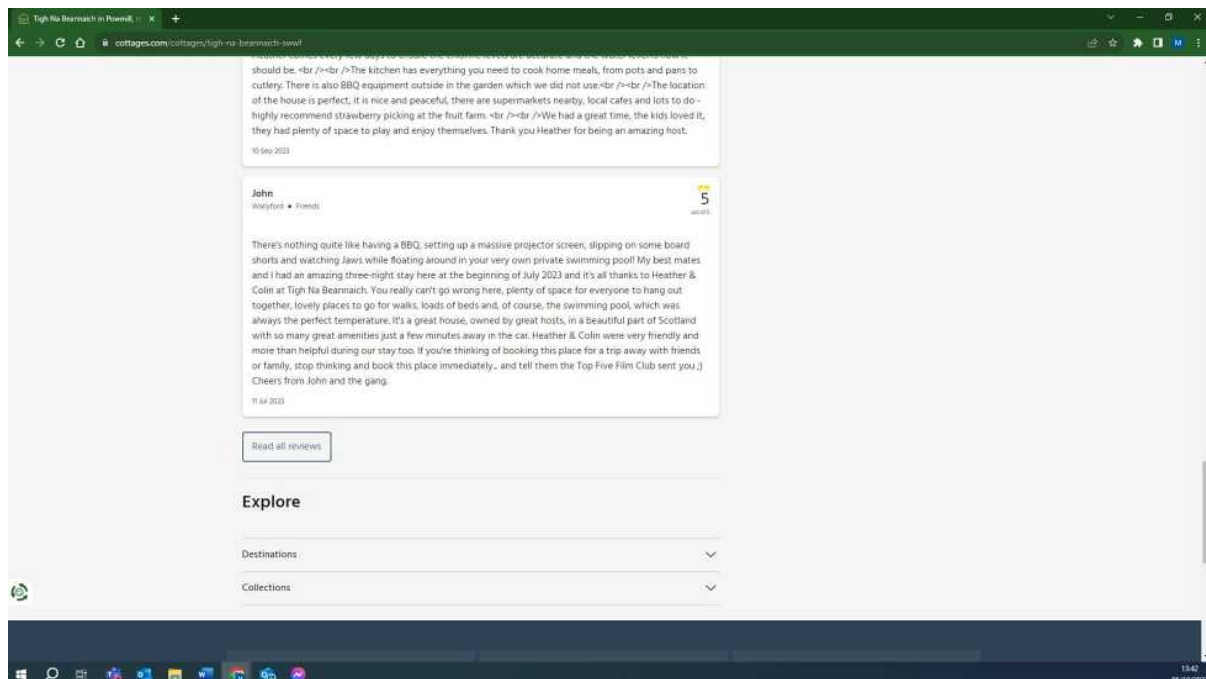
gets described as a 'party house'. On at least two of the listings the property is listed as a 'Celebration House' - see screenshots below taken on 5th October 2023:



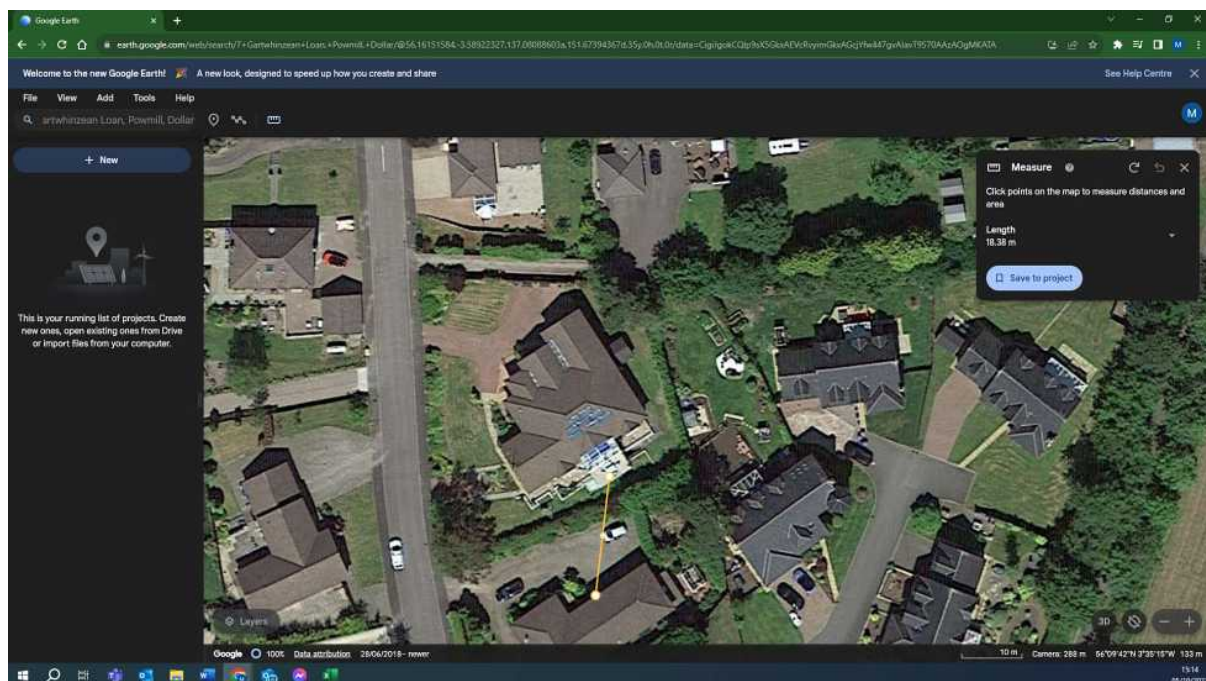
Historically the property has attracted large groups for parties; including hen and stag parties. After complaints made to the Perth and Kinross planning enforcement department, a closing report directed that the property is to be “occupied as a whole to one family or extended families, and this is not let to stag and hen parties” (report available for case reference number 22/00011/STL).

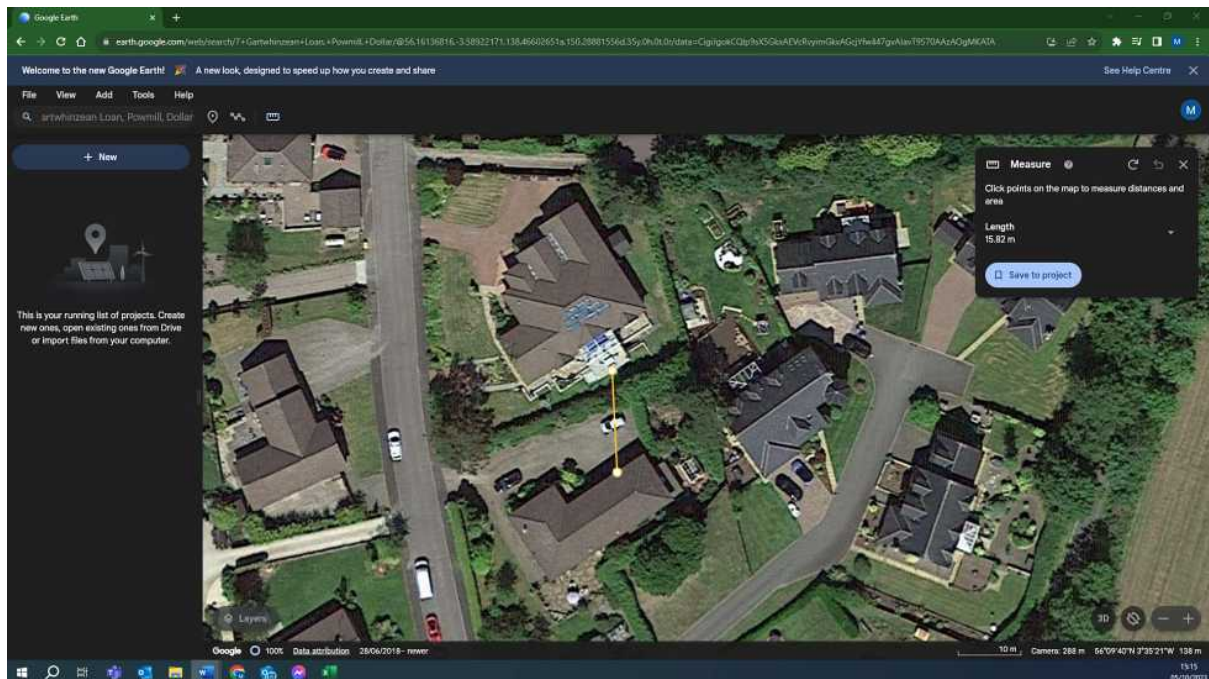
As recently as 19th May 2023 the property hosted a hen party (for which I have photographic evidence of a group of females, gathered and drinking alcohol in the back garden while sporting sashes that say ‘hen party’). The owner seemed unaware that the guests were hosting a hen party and further was unaware that this was expressly not permitted in line with a closing report from the Perth and Kinross Planning Enforcement Agency (case reference number 22/00011/STL).

Furthermore, despite the aforementioned closing report clearly stating that the house is to be “occupied, as a whole to one family or extended families”, there is clear evidence that this is not how it continues to be used. As recently as July 2023, there is evidence of the property being let to groups of friends (see screenshot of review from John, below, taken on 5th October 2023).



The property is designed to be let to large groups (up to 13 adults) which requires areas for gathering – this naturally results in groups often gathering at night to smoke, drink, and converse in outdoor areas (given that smoking is not permitted indoors). Unfortunately, this area is only 16.15 meters from my bedroom window and 18.4m from the bedroom window of my son (see screen shots below from google earth with distances).





As the rest of the street is so quiet, the noise carries, and it has kept me, and my family awake many nights over the years we have lived here. When guests regularly enter and leave the house, the outside light comes on and noise from inside the house (music and loud conversation – often with loud, coarse language – again for which I have video evidence) is carried outside. Previously the pool has been fully equipped with a disco ball, multicoloured lights, and a sound system wired throughout the house (again for which I have video evidence). The fact that the pool is surrounded by a single-glazed structure further amplifies the sound and light pollution out into the neighbourhood.

When guests arrive, there are often disturbances from late-night grocery deliveries. We have been woken by the sounds of glass, cans and general rubbish being disposed of late at night and early in the morning as unfortunately the bin storage is located next to our bedrooms. This has occurred as recently as Sunday 8th October 2023 where guests were loudly disposing of garbage at 10pm. Furthermore, we have regularly been disrupted by the arrival of buses late at night delivering large, loud seemingly intoxicated, groups back to the property.

The disruption, stress, insecurity, and anxiety this causes to myself, my family and other neighbours negatively impacts our quality of life and my experience of living in this neighbourhood.

5. Public health and safety

On occasions where the owners have been contacted regarding issues, there have regularly been several days delay to respond or responses indicating that the owners are unable to attend/ contact the guests.

In these scenarios we have been left to put up with the disturbances ourselves which is very anxiety inducing. It is intimidating to approach a large group of intoxicated strangers and ask them to please keep the noise down or to move inside. I have on occasion felt unsafe in doing so.

I have also sought advice from Citizens Advice, as well as Perth and Kinross safer communities' team, and Perth and Kinross planning council. None of which resulted in the owners taking sufficient actions to satisfactorily minimise the disruption to the neighbouring properties. We have been required to call the police on several occasions to help deal with anti-social behaviour. The behaviour has included, but is not limited to, noise nuisance and drunken behaviour such as screaming/ shouting, loud music, and loud swearing (which is particularly concerning as I have a young child who

can hear these discussions). I understand that I am not the only resident who has felt no option but to complain to police. I am aware of at four occasions of the police attending within the last two years to deal with anti-social complaints/ behaviour.

There seems to be a lack of awareness/ willingness to comply with the minimal guidelines that have been enforced to date. For example, when a concern was raised regarding the hen party which took place in May, the owners informed me that they believed that it was their decision whether they accepted stag parties and that it was not a decision which had been imposed by PKC (I can provide copies of the text exchange to corroborate this if required). This was obviously incorrect, and I had to direct them to the aforementioned closing report which they had been provided, and which expressly does not permit use for these purposes. This non-compliance alludes to an ongoing sense of dismissiveness from the applicants regarding of the negative impacts that the use of the house for large groups has on the neighbouring properties.

Non-compliance with application process for short-term license

Finally, regarding the process of applying for a license for short-term letting, despite publicly available and clear guidance detailing applicants responsibility (i.e. "you must notify neighbours of intent to apply" - <https://www.pkc.gov.uk/media/50146/Short-term-Lets-Information-and-Guidance/pdf/Short-term Lets - Information and Guidance.pdf?m=637998779188800000>). As at time of writing, I nor as I understand, any of my neighbours have been engaged with.

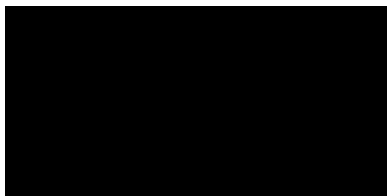
I believe this is because the applicants are fully aware of the difficulties their property has caused the neighbourhood and are not willing to take concerns into account. Furthermore, the guidance indicates that the applicants must clearly "display a site notice at or near the premises so it can be conveniently read by the public." Despite the application being made on 28th September 2023 (according to the Perth and Kinross register), at the time of writing (eleven days later on 9th October 2023) there is still no visible notice. The applicants have not attempted to engage or provide reassurance despite being aware of the negative impact of the short term let on the community, and despite having been on the premises recently, having our phone numbers, and email address.

This could and should be a lovely family home in a nice community.

Thank you for providing the opportunity to raise our concerns. I hope that these are taken into consideration as we would dearly love to be able to live in peace and security in our own home.

Kindest regards,

Monica Craig



PERTH AND KINROSS COUNCIL – LICENSING COMMITTEE
27 March 2024
REPORT BY STRATEGIC LEAD – LEGAL AND GOVERNANCE

TYPE OF APPLICATION	Grant of a Short-Term Let Licence
APPLICANT(S)	Highland Spaces Limited Provisional Licence Number: PK11842P
PREMISES (if applicable)	The Tabernacle, Dull, Aberfeldy, Perth And Kinross, PH15 2JQ
THE APPLICATION	<p><i>Highland Spaces Limited, the sole, corporate entity Applicant, has applied for a three-year short-term let licence as an existing host (operating prior to 1 October 2022). All Directors of the corporate entity have been named in the Application.</i></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 detached house. The Application is for that of a 'secondary letting' short-term let licence.</p> <p>The property has two bedrooms, the Applicant has applied for a maximum capacity of five guests.</p> <p>Four letters of objection have been received with regards to this Application (see attached letters of objection).</p>
RELEVANT LICENSING POLICIES	<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"> • to ensure all short-term lets are safe; • to facilitate licensing authorities in knowing and understanding what is happening in their area; and • to assist with handling complaints and address issues faced by neighbours effectively. <p>In assessing an application for a short-term lets licence, the Council will consider:</p> <ul style="list-style-type: none"> • the suitability of the person applying and that of the other people named on the application form (whether they are "fit and proper"); • compliance/ability to comply with mandatory conditions (applicable to all short-term lets across Scotland) (copy attached);

	<ul style="list-style-type: none"> • 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 • the suitability of the premises in the context of Perth and Kinross Council's policies. <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>Conditions attached to a Short-term Let Licence</p> <p><u>Mandatory Conditions</u></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>Please note that the Council has no power to amend these mandatory conditions.</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>LEGAL POSITION</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"> • any Objections or Representations • this Licensing Policy Statement • any other relevant considerations
------------------------------	---

OPTIONS	<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"> • grant the application; • grant the application for a shorter period of time; • grant the application with additional conditions; or • refuse the application if one of the grounds for refusal exist.
PROCEDURE	<ul style="list-style-type: none"> • Identify parties • Consider any preliminary issues • Members of the public speak to their representation(s)/objection(s) • Committee asks any questions to the objectors • Applicant makes submission • Committee asks any questions of the applicant • Objector/s sum up • Applicant sum up • Committee makes decision

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⁽¹⁾.

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⁽⁵⁾.
- (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.

Civic Licensing

From: David Reilly <[REDACTED]>
Sent: 14 October 2023 13:34
To: CDS STL
Subject: Highland Spaces, Dull STL license

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.

Dear Perth and Kinross council,

I write with regard to the application for secondary letting application from Highland Spaces, The Tin Tabernacle, Dull, PH15 2JQ.

My property also uses the track which leads to the above property and I would like to raise my concerns about this. The track is not tarmac and is sensitive to seasons and vehicular demand. Customers of Highland spaces are not used to driving up a steep, rough incline and as such sit outside our property wheel spinning and causing excessive wear on the track. When the wheel spinning is unsuccessful, the next option is to draw back down the hill and then try again at sometimes great speed.

There have been a number of near misses with people coming far too fast round the corner at the top to descend the hill.

I understand that two properties are being used as holiday letting with almost constant occupancy. Occupants then also utilise supermarket deliveries and Amazon while they are there. When they leave, cleaners and various other services have to attend to the properties and the track does not cope well with this excessive wear and tear caused by such high volume of traffic.

I would also like it to be noted that I requested the state of the track to be taken into consideration when the planning application was made for one holiday caravan. This is now two full time Holiday properties.

Thank you for considering my objections.

David Reilly
The Heights
Dull
Aberfeldy
PH15 2JQ

Civic Licensing

From: Richard Caplan <[REDACTED]>
Sent: 10 October 2023 09:03
To: CDS STL
Subject: Re: Short term let licence application for the Tin Tabernacle, PH15 2JQ Ref: PK11842P

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.

Please accept this email as my objection to the short term let licence application for the Tin Tabernacle, PH15 2JQ

For the past 2 years the Tabernacle and its accompanying caravan, Stella, have been continuously operated as Airbnb rentals. They have been fully occupied year round throughout that period and it is extremely rare for there to be a vacancy. To put that into perspective there would be only 2 or 3 nights in the average month, if that, when the properties are not fully occupied. The owners have moved permanently to Spain and to avoid any doubt about whether this was a permanent move or not, the owners told everybody that they were moving permanently to Spain and they took their children out of education in the UK and they have now attended school in Spain for the past 2 years. The owners refer to the two rental properties as their "business" in the few communications that they have had with those of us in the village who have complained to them about the situation. The owners are now a registered Ltd company based in Edinburgh.

In addition to my concerns below, the permanent use of the Tabernacle as a short term let business will deny the opportunity of an affordable home to local people in an area that is overwhelmed by short term lets creating an inability for local people to find somewhere avoidable to live whether renting or buying.

The rentals are very expensive and the rental income from both the Tabernacle and Stella on average is not short of £500 a night. Therefore for the past two years at least, the income from the properties has been in the region of £150,000 each year. Because they are very expensive to rent, most occupants stay for no more than an average of two or maybe three nights. Therefore there are an enormous number of changeovers.

Each property has a hot tub which every guest uses. There are very few nights in the year when there are not people in the hot tubs until very late into the night. It is routine for occupants to still be in the tubs past 11 o'clock at night. This goes on all through the winter as well. Sound travels a very long way in this part of the world and even with conversations held at a normal level, literally every word can be heard in my garden. Many of the occupants play music outdoors whilst they are in the hot tub. It is very unusual for me to be able to go into my garden in the evening or at night without hearing people chatting away or playing music. Most of the visitors are very nice people and have no idea that they are causing a disturbance but there have been numerous times when the occupants have been boisterous and essentially drunk. The owners have told those of us in the village nearby that if we are concerned about any noise, to telephone them in Spain and they will then contact the occupants to tell them to be quiet. None of us in the village feel that this is our responsibility and it is a totally inappropriate way to manage the disturbance that has been created.

There is no meaningful oversight of any of the occupants. The properties have key boxes and no one is available on site to deal with any issues, all of which are managed by the occupants telephoning the owners in Spain.

The traffic increase in this extremely quiet corner of the village has increased markedly. The cleaners come in vans or cars usually two at a time. The visiting occupants arrange Amazon or supermarket deliveries and the track leading to our properties has suffered greatly. Arriving occupants have no idea how to drive safely on tracks. It is a steep track and they drive far too fast, cutting up the track. The track is used on a daily basis by people in the village, walking their dogs and there have been a number of near misses on what is a very blind and slippery corner.

The owners have recently advertised on the Aberfeldy Community Facebook page which confirms the current position. (See website reference below)

In the advert, the owners describe their venture as a “busy holiday rental business”. There is no ambiguity there. This is a business and not the occasional short term let. It is a business entirely managed from 2000 miles away with no onsite supervision at all.

The advert describes there being 25 changeovers a month. This translates to 300 changeovers a year. There are 3 cleaners and they come in 2 vehicles. That is 600 return journeys – i.e. 1200 annual uses of a poorly maintained very steep track and 1200 extra journeys on long single track roads into the village that does not have proper passing places along which children walk every day to and from the school bus which picks them up and drops them off at bottom at the main road.

It means that 300 days of the year those of us in the adjoining properties have 3 people working for up to 2 to 3 hours a day mainly outdoors as the caravan and the hot tubs and the external spaces all require cleaning at every visit. Other general maintenance is carried out and because they are outside they talk to each other all the time over a fairly long distance so often need to shout to each other. Between that and the sound of hoovers and hot tub cleaning it is like having permanent building work next door and there is no let up.

The maintenance of hot tubs is not a simple matter and there are potential issues around Legionnaire’s Disease and other health conditions. The advert indicates that the owners are content for the cleaners to have no previous experience and that “suitable training can be given”. Legionnaire’s Disease is an airborne infection and therefore neighbours can easily be infected and leaving this in the hands of a random cleaner is unacceptable.

There are literally hundreds of fairy lights and a number of bright blue solar lights on every night until after midnight that can be seen across the valley and lights up the entire view from the rear of my property.

300 changeovers a year means that, assuming a conservative 4 bedded occupancy of the 6 beds between the two properties, there is a minimum of 1000 individuals each year staying in the village with absolutely no supervision. This in a village with a current total population of about 60 people.

Dull is a historic village with roots going back for at least a millennium and probably more. Village life has not changed much in that time.

That is why people cherish living here. The whole atmosphere has changed because we now literally have over 1000 random people staying in the village each year about whom we know nothing. There is not a single homeowner in the village who is happy about any of this.

This has all happened without any planning consideration. Indeed almost everything to do with the Tin Tabernacle has been done with either no proper prospective planning consideration or made on the back of retrospective planning decisions. It was built without any planning permission at all and the Council vigorously opposed applications for conversion to residential use for over a decade until an anomaly occurred and the village boundary was extended to include the building. The development expanded rapidly, all without any planning application and permission was granted retrospectively in every case. The building is on land that is prone to flooding and is unsuitable for a domestic structure. The Council know the history of this very well. This is clearly a business and nothing to do with a homeowner making a small amount of extra income. Therefore it requires a planning process that reflects this.

The retrospective planning process for the caravan, Stella, was within the context of it being a holiday let in the garden of an occupied residential property. It was implied that this was a low impact seasonal venture with daily

oversight from the owners. The planning application was not presented as being a significant part of a business venture or that it would be unsupervised. The caravan has an adjacent roofed and permanent covered structure with built in seating area, hot tub and fire pit that encourages people to spend most of their time outside. This structure does not have planning permission. There has therefore been a fundamental and material change of use of the caravan and its surroundings and this requires additional planning consent.

Dull and Weem Community Council and the local councillors are in clear support of my and other villagers insistence that this is undoubtedly a business venture that is having a detrimental impact upon neighbouring properties and the overall atmosphere of the village and as such requires a transparent planning application.

References

Aberfeldy Community Facebook page

<https://www.facebook.com/groups/551303978385712/search?q=highland%20spaces&filters=eyJycF9hdXRob3I6MC l6Intclm5hbWVcljpcImF1dGhvcmlwiLFwiYXJnc1wiOlwiMTAwMDUxOTA1MjY0NjQ4XCJ9In0%3D>

Website of Highland Spaces showing the extent of the business venture.

<https://www.highlandspaces.com>

Airbnb site references

The Tabernacle

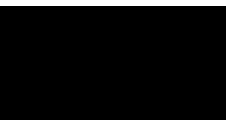
https://www.airbnb.co.uk/rooms/40910082?source_impression_id=p3_1669227017_ipJTtm1Xct%2BGoEX

Caravan

https://www.airbnb.co.uk/rooms/37957646?source_impression_id=p3_1669227235_Q7fqaV7obB20BCGP

Kind regards

Dr Richard Caplan



Civic Licensing

From: CDS STL
Sent: 31 October 2023 11:24
To: CDS STL
Subject: FW: Objection to a short-term let licence application for The Tabernacle, Dull, Aberfeldy, Perth And Kinross, PH15 2JQ

From: THOMAS PRINGLE [REDACTED]
Sent: Thursday, October 26, 2023 4:35 PM
To: Development Management [REDACTED]
Cc: Anna Brocklehurst [REDACTED]; Roddy Kennedy [REDACTED]; CDS STL [REDACTED];
 [REDACTED]; Councillor John Duff [REDACTED]; Provost Xander McDade [REDACTED];
 Bailie Michael Williamson [REDACTED] >
Subject: Fwd: Objection to a short-term let licence application for The Tabernacle, Dull, Aberfeldy, Perth And Kinross, PH15 2JQ

Dull and Weem Community Council would like to object to the above application and the way the owners have progressed it.

It is noted that they have it registered as a business and have planning for a private home, not a business, which we feel is not what the new regulations were intended to support.

The owners are also registered as being resident in Scotland for business purposes, and it is believed by the Community Council that they reside in Portugal.

The community council supports local objections to the application on the basis that the application is for a secondary let i.e. a permanent short term letting and not a temporary use of someone's home, by a business based in Edinburgh and therefore prevents the property being available as an affordable home for local people.

We also believe the application will have an overall impact to the village in terms of noise, increased traffic, damage to tracks and roads, lack of oversight, light pollution and a failure to apply for planning permission and therefor affects the amenity of the existing properties in the village.

Regards

Tom Pringle

Secretary

Dull and Weem Community Council

c/o Appin of Dull

Dull

Aberfeldy

PH15 2JQ

Civic Licensing

From: anna brocklehurst <[REDACTED]>
Sent: 06 November 2023 09:32
To: CDS STL
Subject: Application 1321 - Objection to a short-term let licence application for The Tabernacle, Dull, Aberfeldy, Perth And Kinross, PH15 2JQ

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

I am writing to you regarding the short term license application for the Tin Tabernacle, Dull. Application number is 1321. Given the delays in posting the notice i assume you will accept this note.

I am a close neighbour, my address is Kirk House, Dull, Ph152JQ

Our concerns are in relation to:

- Volume of traffic - specifically overuse of the private track that we have a shared responsibility to contribute to but this is undefined. The track is owned by the owners of the tabernacle. The volume of traffic this business puts on the track is disproportionate to the other properties who share responsibility for maintenance and improvement. Changeovers are very frequent - there are two properties at the address that are rented out on a short term basis (one is a "caravan") on air bnb and as well as the traffic on the path and in the village for those staying, there are cleaners, gardeners, delivery vans and more every week back and forth. There is currently no plan in place for maintaining the track which impacts on neighbours to as it connects to other private paths and the wider village. A solution for this would be to agree a maintenance plan asap. This will need to be managed by the owners of the track as it is their responsibility.
- Lack of manager or responsible person. I do not object to the property being rented out "in principle". We object to the lack of on-site or even nearby management and oversight of any issues, problems, noise, fire, water, waste etc. There is no one responsible for the property or its guests in the UK. A solution to this would be to appoint someone local who checks regularly on key issues and is a liaison for problems who can be on site quickly.
- Noise. We have had many issues with noise - generally it is loud music late into the night during the summer especially - which means we rarely use our garden in the evening as we can hear people in the hot tubs playing music and partying well into the evening.
- Business. We did not object to the caravan or tabernacle getting planning permission originally as we were led to believe the tabernacle would be a home, and the caravan would have an on-site manager. Our concern is that this by-passing of process will be repeated with any future developments on the site. As such, i feel we need to make clear our objections to the tabernacle short term license in the hope that management of it can be improved - and any further development would be strongly challenged and approached in the most transparent way.

Regards, Richard and Anna Brocklehurst

PERTH AND KINROSS COUNCIL – LICENSING COMMITTEE
27 March 2024
REPORT BY STRATEGIC LEAD – LEGAL AND GOVERNANCE

TYPE OF APPLICATION	Grant of a Short-Term Let Licence
APPLICANT(S)	Ms Deirdre Barron Provisional Licence Number: PK11790P
PREMISES (if applicable)	Flat G Fiscals House 3 South Street, Perth, Perth And Kinross, PH2 8NJ
THE APPLICATION	<p>Ms Barron, the sole Applicant, has applied for a three-year short-term let licence as an existing host (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 self-contained flat. The Application is for that of a 'Secondary Letting' short-term let licence.</p> <p>The property has one bedroom, the Applicant has applied for a maximum capacity of two guests.</p> <p>Four letters of objection have been received with regards to this Application (see attached letters of objection).</p>
RELEVANT LICENSING POLICIES	<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"> • to ensure all short-term lets are safe; • to facilitate licensing authorities in knowing and understanding what is happening in their area; and • to assist with handling complaints and address issues faced by neighbours effectively. <p>In assessing an application for a short-term lets licence, the Council will consider:</p> <ul style="list-style-type: none"> • the suitability of the person applying and that of the other people named on the application form (whether they are "fit and proper"); • compliance/ability to comply with mandatory conditions (applicable to all short-term lets across Scotland) (copy attached);

	<ul style="list-style-type: none"> • 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 • the suitability of the premises in the context of Perth and Kinross Council's policies. <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>Conditions attached to a Short-term Let Licence</p> <p><u>Mandatory Conditions</u></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>Please note that the Council has no power to amend these mandatory conditions.</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>LEGAL POSITION</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"> • any Objections or Representations • this Licensing Policy Statement • any other relevant considerations
------------------------------	---

OPTIONS	<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"> • grant the application; • grant the application for a shorter period of time; • grant the application with additional conditions; or • refuse the application if one of the grounds for refusal exist.
PROCEDURE	<ul style="list-style-type: none"> • Identify parties • Consider any preliminary issues • Members of the public speak to their representation(s)/objection(s) • Committee asks any questions to the objectors • Applicant makes submission • Committee asks any questions of the applicant • Objector/s sum up • Applicant sum up • Committee makes decision

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⁽¹⁾.

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⁽⁵⁾.
- (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.

Civic Licensing

From: Laura Witchalls [REDACTED]
Sent: 10 October 2023 13:58
To: CDS STL
Subject: Objection to license application PH2 8NJ flat G

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.

Good afternoon

New notice displayed flat G window on Monday 2nd October (please note this was dated 14/09/23)
 No other notices displayed in common areas.

Please accept below as objection to allocation of license:

Application Address : Flat G, Fiscals House, 3 South Street, Perth, PH2 8NJ
 Applicant : Ms Deirdre Brown

Objectors' Names : Donald & Wilma Graham
 Objectors' Address : The Garret, Flat E, Fiscals House, 3 South Street, Perth, PH2 8NJ

No notice received to date (10/10/23)
 Notice displayed at height in Flat G window (noted by neighbours) Monday 2/10/23.

Please note that neither us nor our neighbours are aware that any Public Notices have been displayed in the common areas inside the Fiscals House flats.

Also please note there have been unknown people seen leaving the flat (Sunday 8/10/23) unsure if still being rented out.

Reasons for Objection:

1. The above change of use would be in breach of the legally binding Deed of Conditions for the property relating to short term lets. The Deed (relevant page attached) applies to all of the flats in Fiscals House, 3 South Street, and all owners MUST comply with this Deed.
2. The Deed clearly states (Para 7.2) that the flats can only be occupied as a dwellinghouse for a single family. Renting the flat out as an AirBnB on a regular short term basis to numerous individuals is a clear breach.
3. The Deed also states (Para 7.3) that the dwellinghouse cannot be used to carry out any business (without consent of the Owners' Association). When this matter was raised at the Owners' Association meeting by Ms Deirdre Brown, objection to the use of Flat G as an AirBnB as is proposed was made by more than one flat owner in Fiscals House. Ms Brown ignored this objection and has been operating the flat as an AirBnB for some time with several separate bookings already made.
4. The Deed goes on to state separately (Para 7.3) that the flats cannot be used in any manner unreasonably to the annoyance of any other Proprietor. The noise and disturbance nuisance and regular changeover of Air BnB customers over the past 12 months has already caused such annoyance.
5. Security and Safety. The flats are accessed by a front door directly from South Street with a common key. This leads into a communal hallway, stair core and lift from which each flat is accessed with individual keys. The provision of the common keys to AirBnB customers poses a significant security risk to all of the other flats in the property.

6. The South Street front door has a secure electronic system with a separate doorbell for each flat. This ensures nobody can enter the premises unless known to us and invited in. That will not be the case if AirBnB customers have the main door keys and will be able to allow anybody else to enter via the South Street front door.
7. We are personally very concerned about the presence of numerous unknown individuals being given free access to the lift and stair core at any time of day or night, thereby being able to readily get access to our flat's door.

We hope you will consider these objections, and we respectfully request that you refuse this application for a change of use.

Please contact us by replying to this email or calling 07429 385409 should you require any further information or clarification of the above points.

Many Thanks

Laura Witchalls on behalf of
Donald & Wilma Graham

Attachment:

1. Extract from Deed of Conditions
<image1.jpeg>

Laura

Nicola Storrar

From: Fergus Purdie [REDACTED]
Sent: 11 October 2023 22:55
To: CDS STL
Subject: Objection to short-term let license application for Flat G Fiscals House 3 South Street, Perth, Perth And Kinross, PH2 8NJ
Attachments: V 03 - letter of objection.pdf

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.

Good afternoon.

Subject: FW: Objection to license application with respect to a change of use from flat to short-term let.

Application Address : Flat G, Fiscals House, 3 South Street, Perth, PH2 8NJ

Applicant : Ms Deirdre Brown

Objectors' Names : Fergus and Elizabeth Purdie

Objectors' Address : Flat H, Fiscals House, 3 South Street, Perth, PH2 8NJ

Reference the above and recent re-notification of the licence application due to it being incorrectly displayed - please accept this new email as an objection (see letter attached) following a notice displayed in the window of Flat G, 3 South Street, Perth PH2 8NJ. For information there is an active planning application Ref 23/01025/FLL (noted as "currently awaiting decision") still to be determined.

Regards Fergus and Elizabeth Purdie

Fergus Purdie RSA
Architect
5a Melville Street
Perth PH1 5PY

[REDACTED]
www.ferguspurdiearchitect.co.uk

FPA

Application For Short-Term Let - Objection To The Proposals

Background information - the property was bought in June 2022 and immediately operated as a short-term let - Airbnb. The owner was informed of the need for planning permission (a change of use) and a license to operate an Airbnb. However, they decided to ignore the existing resident's concerns about this breach of planning. Then, after a period of 12 months of operating the short-term let, and only after the intervention of PKC, did the owner finally submit a planning application.

The proposal does not satisfy the NPF4 Policy 30 – Tourism, with respect to the following.

30b states - proposals for tourism related development will take into account:

i. The contribution made to the local economy.

iii. Impacts on communities, for example by hindering the provision of homes and services for local people.

In respect of criterion (i) economic benefit, short-term letting will not provide the amount and quality of localised financial contribution made by a permanent resident all year round. In fact, as it is not a fully occupied residence it will be significantly less in both aspects. Not an economic benefit.

In respect of criterion (iii), the impact of Flat G's current short-term let business demonstrates a clear disregard for an established community based approach to town centre living that Fiscals House encourages and supports. Also endorsed by the Scottish Government guidance and advice. Also refer to 30e (ii) below.

30e states - development proposals for the reuse of existing buildings

for short-term holiday letting will not be supported where the proposal will result in:

i. an unacceptable impact on local amenity or the character of a neighbourhood or area.

ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

In respect of 30e (i), the building has common amenity areas for the residents including hallways, storage and bins. Short-term letting has caused existing residents/owners a range of issues including for example - wellbeing, anti-social behaviour and building management. Consequently, the ongoing use of Flat G as a short-term let will continue to have an adverse effect on occupants. Issues such as security and safety, smoking in the common areas and the misuse of recycling and refuse bins - all impacting negatively upon the local amenity.

In respect of 30e (ii), the proposal would result in the loss of a flat that would otherwise provide long term residential accommodation for someone who wants to live in the city centre. An example of how the use of short term let has impacted negatively upon the property occurred when a previous neighbour, a long-term let, in an adjacent flat in the building had to move out due to the flat being sold. Flat G would have been an ideal opportunity for them to move into. However, due to it being used for short-term let and the owner not interested in long-term lets, they had to move out of the city centre. The outcome was the loss of residential accommodation and the positive economic and social benefits of a local resident. This clearly demonstrates the detrimental impact of criterion (ii) as described above.

In addition to all of the above there are existing hospitality businesses in the city centre that having come out of a pandemic and with the current impact of the cost of living crisis will suffer additional economic burdens because of short-term letting. Existing businesses should be supported.

Civic Licensing

From: Judith Bell [REDACTED]
Sent: 27 September 2023 15:57
To: CDS STL
Subject: Short Term Let licence objection

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

I write to express my objection to the granting of a STL licence to the property:

Flat G
3 SoOuth Street
Perth

I am a tenant in :

Flat i
3 South Street
Perth
PH2 8NJ

My objection is in 3 parts

1. Security - we have had issues previously with the access door, which leads directly to a busy street, being left propped open allowing anyone access to the building.
2. Potential noise and anti social behaviour. In the past, when Flat G was used as a holiday let, we were disturbed by loud music and shouting coming from Flat G. Our Flat is directly above the property and the most likely in the building to be disturbed.
3. The lack of affordable, rented accomodation in Perth. As a tenant myself, I know how difficult it is to find suitable properties to rent in Perth.

Regards,

Judith Bell

Civic Licensing

From: Karen Jones [REDACTED]
Sent: 11 October 2023 09:26
To: CDS STL
Subject: Re: Update - Objection to short-term let licence application for Flat G Fiscals House
 3 South Street, Perth, Perth And Kinross, PH2 8NJ

Dear Karen

Thanks for your email.

Not clear why I have to resubmit my objections as the notice refers to the original date, 10 September and you state that the consultation period has simply been extended. There does not appear to be any new public notice.

However for the avoidance of doubt:

I am the owner of Flat J Fiscal's Hope Perth PH2 8NJ, Karen Jones.

My flat is directly above Flat G where the owner has applied for a short-term letting license.

I object to this application for the reasons given in the objection to the planning application:

Planning permission for this building was given for residential flats, not tourism related businesses: Operation of a business is prohibited in the building deed of conditions which the owner of flat G is well aware of; Noise, nuisance and general disturbance caused to other residents of Fiscal's house; Impact on other tourism related business in the area, eg hotels, of permitting short-term lets in the area; General loss of residential accommodation in an area where there is a housing shortage.

Note also that no neighbour notices have been issued for this. The compliance with the minimal public notice requirements is deplorable - notice displayed in a window at a height where it could not be read.

This application should be rejected.

I note what you say about planning permission but my reference is to the original and current planning status. I am aware of an application to change the status which like other neighbours, I have also objected to. It is perverse that a license can be granted for a purpose for which no planning permission exists.

Regards

Karen Jones

On 5 Oct 2023, at 12:09, CDS STL <STL@pkc.gov.uk> wrote:

Good morning,

We write further to your email of 03 October 2023 and with regards to the application for a short-term let licence for the premises located at Flat G Fiscals House 3 South Street, Perth, Perth And Kinross, PH2 8NJ.

It was brought to our attention that the Public Notice of Information for these premises was incorrectly displayed. Contact has been made with the applicant and they have been instructed to display the correct notice for a further 21 days. Please note that, once the new Public Notice of Information is posted, this will reset the public consultation period. As such, you will be required to resubmit your objection if you wish to be heard by the Licensing Committee with respect to this short-term let licence application.

Objections and/or representations should include the grounds for making same. In that regard, with respect to your note regarding planning permission, not holding planning permission does not necessarily preclude an applicant from being granted a short-term let licence. However, we are unable to provide advice with respect to planning and planning permission and therefore suggest that you please call 01738 475300 (ask for the Planning Department). While the Planning Department is best suited to answer any specific enquiries, you may wish to read our guidance: [Do I need planning permission for a short-term let? - Perth & Kinross Council \(pkc.gov.uk\)](#).

Kind regards,
Karen

<image001.jpg>

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 \(pkc.gov.uk\)](#)

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: Karen [REDACTED]

Sent: Tuesday, October 3, 2023 8:14 AM

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

Subject: FlatG Fiscal's House Perth PH2 8NJ

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 Whoever

I am the owner of Flat J Fiscal's Hope Perth PH2 8NJ, Karen Jones.

My flat is directly above Flat G where the owner has applied for a short-term letting license.

I object to this application for the reasons given in the objection to the planning application:

Planning permission for this building was given for residential flats, not tourism related businesses: Operation of a business is prohibited in the building deed of conditions which the owner of flat G is well aware of; Noise, nuisance and general disturbance caused to other residents of Fiscal's house; Impact on other tourism related business in the area, eg hotels, of permitting short-term lets in the area; General loss of residential accommodation in an area where there is a housing shortage.

Note also that no neighbour notices have been issued for this. The compliance with the minimal public notice requirements is deplorable - notice displayed in a window at a height where it could not be read.

This application should be rejected.

Karen Jones

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 or 01738 475000.

PERTH AND KINROSS COUNCIL

Licensing Committee

27 March 2024

REVIEW OF HOUSES IN MULTIPLE OCCUPATION FEES

Report by Strategic Lead - Legal and Governance
(Report No. 24/107)

1. PURPOSE

- 1.1 This report provides the Licensing Committee with an update on work carried out to review the current licence application fee structure for Houses in Multiple Occupation (HMOs). The report makes recommendations about changes to the existing fee structure with the overarching aim of driving up standards and ensuring that full cost recovery is reflected in HMO fees.

2. RECOMMENDATIONS

- 2.1 It is recommended that the Committee approves the proposed revised fee structure and charges in relation to applications for Houses in Multiple Occupation (HMO) licences.

3. STRUCTURE OF REPORT

- 3.1 This report is structured over the following sections:

- Section 4: Background
- Section 5: Proposals
- Section 6: Conclusion

4. BACKGROUND / MAIN ISSUES

- 4.1 Mandatory licensing of Houses in Multiple Occupation has been in force since 2000. The licensing scheme was introduced to address the high risks associated with houses and flats which are occupied by multiple unrelated individuals. In terms of the Housing (Scotland) Act 2006 ('the 2006 Act') the Council is required to license HMOs where three or more individuals or families live in a property and share facilities therein. The Council is entitled under the 2006 Act to charge a fee for an application for a HMO licence to cover the costs of operating and enforcing the licensing scheme.

4.2 The HMO licence fee structure has been in place since 2000 and fees are based on occupancy capacity. HMO licences are normally granted for three years, however may be granted for a shorter period of time should the officer have concerns with regard to the condition of the property or where the licence holder has not complied with the conditions of their licence. The current fee structure and associated fees are as follows:-

- 3-5 occupants - £714.00
- 6-20 occupants - £760.00
- 21-75 occupants - £862.00
- 76+ occupants - £954.00

4.3 The current three year licensing system and fee structure put in 2000, and was developed to reflect the growth in the number of larger shared accommodation properties and associated increased costs of inspection. It additionally sought to incentivise landlords to improve the standard within the sector by allowing the grant of three year HMO licences to suitable properties which had demonstrated compliance with legislation and conditions of the licence. This was on the basis that the work involved in processing and granting a licence for three years would come at no extra cost to the Council. Unfortunately, this has not proved to be the case as officers typically spend significantly longer carrying out both initial inspection and spot checks throughout the licence duration to ensure compliance with licence conditions. Spot checks are carried out on HMO's which are considered to be higher risk following initial grant of the licence.

4.4 As an example, the existing fee structure outlined in section 4.2 of this report charges applicants the same fee regardless of whether their property has six or twenty occupants. However, officers invest significantly more time inspecting properties with larger occupancies. Consequently, the proposed fees outlined below are designed to align more accurately with the time dedicated to inspecting larger occupied properties.

- 3-5 - £785.00
- 6-10 - £864.00
- 11-20 - £950.00
- 21-30 - £1045.00
- 31-40 - £1149.00
- 41-50 - £1298.00
- 51-75 - £1427.00
- 76-100 - £1569.00
- 101+ - £1725.00
- Additional Inspection fee - £80.00

4.5 The Licensing Department currently processes approximately 23 HMO applications per year, 90% of which are renewals. On average, an HMO licence holder has held a licence for a minimum of 7.5 years and the expectation is that they should be experienced at complying with legislation and conditions of the licence. However, there are times where subsequent visits have to be made over and above the renewal inspection to ensure compliance prior to a licence being granted. Currently no fee is charged for any inspections carried out over and above the renewal inspection. It is the intention that a fee of £80.00 should be

charged over and above the licence fee for each additional visit that has to be undertaken in order to ensure compliance before the licence is granted. The proposed new inspection model will also help to drive up standards in the sector, as it will encourage licensees to ensure that properties are maintained to the required standard throughout the licence period and not only when an inspection is scheduled during the application period.

Proposed Fee Structure

- 4.6 A review of charges and scales of neighbouring local authority areas with similar fee structure found that Perth and Kinross were on average charging 30% less for HMO licences.

5. PROPOSALS

- 5.1 The Committee is asked to approve the revised scales and charges for HMOs as per Section 4.4 of this report.

6. CONCLUSION

- 6.1 The report proposes an increase in fees charged in terms of the Housing (Scotland) Act 2006 as set out in this report, to take effect from 1 April 2024.
- 6.2 The Committee is asked to approve the increase in fees and associated structure as set out in section 4.4 of this report.

Author(s)

Name	Designation	Contact Details
Debra Gilkison	Licensing Manger	01738 475159

Approved

Name	Designation	Date
Sarah Rodger	Legal Manager	19/03/2024

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.

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan	None
Corporate Plan	Yes
Resource Implications	
Financial	Yes
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	None
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	None
Legal and Governance	Yes
Risk	None
Consultation	
Internal	Yes
External	None
Communication	
Communications Plan	None

1. Strategic Implications

Community Plan

1.1 Not applicable

Corporate Plan

1.2 The Council's Corporate Plan 2022/23 to 2027/28 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. The objective which relates to this report is objective (v).

- (i) Children and young people grow up safe, respected, well-educated and confident in their ability to realise their full potential;
- (ii) People and businesses are increasingly able to prosper in a local economy which supports low carbon ambitions and offers opportunities for all;
- (iii) People can achieve their best physical and mental health and have access to quality care and support when they need it;
- (iv) Communities are resilient and physically, digitally and socially connected;
- (v) Perth and Kinross is a safe and vibrant place, mitigating the impact of climate and environmental change for this and future generations.

2. Resource Implications

Financial

- 2.1 There are no direct financial implications arising from this report other than those reported within the body of the main report. The revised fee structure will ensure that the costs of the licensing scheme are met from fee income.

Workforce

- 2.2 Not applicable

3. Assessments

Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 A full EFIA was not necessary as the report has no impact in terms of the public sector equality duty or people with protected characteristics.

Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- 3.4 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.5 The information contained within this report has been considered under the Act. However, no action is required as the Act does not apply to the matters presented in this report.

4. Consultation

Internal

- 4.1 Finance and Business Support have been consulted in connection with the proposed increase in fees.

External

- 4.2 None

5. BACKGROUND PAPERS

None

6. APPENDICES

6.1 None