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Council Building
2 High Street
Perth
PH1 5PH

06/04/2023

A hybrid meeting of the **Licensing Committee** will be held in **the Council Chamber** on **Monday, 17 April 2023 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.

Members:

Bailie Mike Williamson (Convener)
Councillor Iain MacPherson (Vice-Convener)
Bailie Chris Ahern
Councillor Keith Allan
Councillor Hugh Anderson
Bailie Rhona Brock
Councillor Steven Carr
Councillor Eric Drysdale
Councillor Ken Harvey
Councillor David Illingworth
Councillor Crawford Reid
Councillor Willie Robertson
Councillor Grant Stewart

Licensing Committee

Monday, 17 April 2023

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 MINUTES

3(i) MINUTE OF MEETING OF LICENSING COMMITTEE OF 6 MARCH 2023 FOR APPROVAL **5 - 8**
(copy herewith)

3(ii) MINUTE OF MEETING OF LICENSING COMMITTEE OF 9 MARCH 2023 FOR APPROVAL **9 - 10**
(copy herewith)

4 GRANT OF A SHORT TERM LET LICENCE - PROVISIONAL LICENCE NO. PK11161P **11 - 30**
Report by Head of Legal and Governance Services (copy herewith 23/111)

5 GRANT OF A SHORT TERM LET LICENCE - PROVISIONAL LICENCE NOS. PK11140P AND PK11141P **31 - 42**
Report by Head of Legal and Governance Services (copy herewith 23/112)

6 GRANT OF LATE HOURS CATERING LICENCE - LH145 **43 - 44**
Report by Head of Legal and Governance Services (copy herewith 23/113)

IT IS RECOMMENDED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEM(S) IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973

P1 RENEWAL OF TAXI DRIVER LICENCE - TD1949

- Exempt Reason 14 - Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

**P2 SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER LICENCE -
TD2155**

Report by Head of Legal and Governance Services (copy to follow)

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You can also send us a text message on 07824 498145.
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All Council Services can offer a telephone translation facility.
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LICENSING COMMITTEE

Minute of hybrid meeting of the Licensing Committee held in the Council Chambers, 2 High Street, Perth on Monday 6 March 2023 at 2:30pm.

Present: Bailies C Ahern, R Brock and M Williamson, Councillors K Allan, H Anderson, S Carr, E Drysdale, K Harvey, D Illingworth, I MacPherson, W Robertson and G Stewart.

In Attendance: A Brown, D Gilkison, J Guild, M Henderson, M McLaren, M Pasternak (all Corporate and Democratic Services), R Jamieson (Police Scotland).

Apologies for Absence: Councillor C Reid.

Bailie M Williamson, Convener, Presiding.

1. WELCOME AND APOLOGIES

The Convener welcomed all present to the meeting. Apologies for absence were noted as above.

2. DECLARATIONS OF INTEREST

In terms of Councillors' Code of Conduct, Bailie C Ahern and Councillor E Drysdale declared a non-financial interest in Item 4.

3. MINUTES

The Minute of Meeting of the Licensing Committee of 30 January 2023 was submitted and approved as a correct record.

HAVING DECLARED AN INTEREST IN THE FOLLOWING ITEM, BAILIE AHERN AND COUNCILLOR DRYSDALE LEFT THE MEETING AT THIS POINT.

4. GRANT OF A SHORT TERM LET LICENCE

There was submitted a report by the Head of Legal and Governance Services (23/74) together with letters of objection and letters of support, in relation to the Grant of a Short Term Let Licence (Provisional Licence Number PK11137P).

Mr Richard Oram, Mrs Emma Oram and Mr Archie Marshall, objectors to the application, joined the meeting by telephone, addressed the Committee and answered Members' questions.

The applicant attended the meeting, addressed the Committee and answered Members' questions.

The representative of Police Scotland attended the meeting virtually, addressed the Committee and answered Members' questions.

Resolved:

The application for Short Term Let Licence (Provisional Licence Number PK11137P), be granted.

BAILIE AHERN AND COUNCILLOR DRYSDALE RETURNED TO THE MEETING AT THIS POINT.

IT WAS AGREED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973.

IT WAS AGREED TO VARY THE ORDER OF BUSINESS AT THIS POINT.

P4. GRANT OF A TAXI DRIVER LICENCE – TD2183

There was submitted a report by the Head of Legal and Governance Services (23/78) together with a letter of objection dated 31 January 2023 from Police Scotland, regarding Grant of a Taxi Driver Licence No. TD2183.

The applicant was in attendance.

The representative of Police Scotland addressed the Committee and answered Members' questions. The applicant also addressed the Committee and answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Motion (Bailie M Williamson and Councillor K Harvey)

The application for Grant of Taxi Driver Licence No. TD2183 be granted for a period of 1 year.

Amendment (Bailie C Ahern and Councillor H Anderson)

The application for Grant of Taxi Driver Licence No. TD2183 be refused on the grounds that the applicant is not a fit and proper person to hold a Taxi Driver Licence.

In accordance with Standing Order 21, a roll call vote was taken.

8 members voted for the Motion as follows:

Bailie R Brock, Councillors S Carr, E Drysdale, K Harvey, D Illingworth, I MacPherson, W Robertson and Bailie M Williamson.

4 members voted for the Amendment as follows:

Bailie C Ahern, Councillors K Allan, H Anderson and G Stewart.

Resolved:

In accordance with the Motion.

P1. GRANT OF A STREET TRADER LICENCE – ST465

There was submitted a report by the Head of Legal and Governance Services (23/75) together with a letter of representation dated 23 January 2023 from Police Scotland, regarding Grant of Street Trader Licence No. ST465.

Resolved:

Grant of Street Trader Licence No. ST465 be deferred until the next available meeting of the Licensing Committee, due to time constraints.

P2. GRANT OF TAXI DRIVER LICENCE – TD2177

Following the revocation of Police Scotland's Letter of Representation, this item was withdrawn from the agenda.

P3. GRANT OF TAXI DRIVER LICENCE – TD2181

There was submitted a report by the Head of Legal and Governance Services (23/77) together with two letters of objection dated 25 January and 28 February 2023 from Police Scotland, regarding Grant of Taxi Driver Licence No. TD2181.

Resolved:

Grant of Taxi Driver Licence No. TD2181 be deferred until the next available meeting of the Licensing Committee, due to time constraints.

LICENSING COMMITTEE

Minute of hybrid meeting of the Licensing Committee held in the Council Chambers, 2 High Street, Perth on Thursday 9 March 2023 at 10:15am.

Present: Bailies C Ahern and M Williamson, Councillors S Carr, K Harvey, D Illingworth, I MacPherson and C Reid.

In Attendance: A Brown, D Gilkison, J Guild, M McLaren, M Pasternak (all Corporate and Democratic Services), R Jamieson (Police Scotland).

Apologies for Absence: Bailie R Brock, Councillors K Allan, H Anderson, E Drysdale, W Robertson and G Stewart.

Bailie M Williamson, Convener, Presiding.

1. WELCOME AND APOLOGIES

The Convener welcomed all present to the meeting. Apologies for absence were noted as above.

2. DECLARATIONS OF INTEREST

No Declarations of Interest were made in terms of the Councillors' Code of Conduct.

IT WAS AGREED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973.

P1. GRANT OF A STREET TRADER LICENCE – ST465

There was submitted a report by the Head of Legal and Governance Services (23/75) together with a letter of representation dated 23 January 2023 from Police Scotland, regarding Grant of Street Trader Licence No. ST465.

The applicant was in attendance.

The representative of Police Scotland addressed the Committee and answered Members' questions. The applicant also addressed the Committee and answered Members' questions.

Resolved:

The application for the grant of Street Trader Licence No. ST465, be granted for a period of three years.

P2. GRANT OF TAXI DRIVER LICENCE – TD2181

There was submitted a report by the Head of Legal and Governance Services (23/77) together with two letters of objection dated 25 January and 28 February 2023 from Police Scotland, regarding Grant of Taxi Driver Licence No. TD2181.

The applicant was in attendance via telephone.

The representative of Police Scotland addressed the Committee and answered Members' questions. The applicant also addressed the Committee and answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

The application for the grant of Taxi Driver Licence No. TD2181, be refused.

PERTH AND KINROSS COUNCIL – LICENSING COMMITTEE
17 APRIL 2023
REPORT BY HEAD OF LEGAL AND GOVERNANCE SERVICES

TYPE OF APPLICATION	Grant of a Short term let Licence
APPLICANT	Mr John Thornton Smith - Provisional Licence Number: - PK11161P
PREMISES (if applicable)	62 Monart Road, Perth, PH1 5UQ.
THE APPLICATION	<p>Mr John Thornton Smith the sole applicant, has applied for a three year short term let licence as an existing host (operating prior to the 1 October 2022). An email has been received from the Applicant granting permission for Susan Munro to act on his behalf (see email attached).</p> <p>The application has been validated by Licensing Officers and was sent out for consultation. The Police, Fire Service and Planning have stated they have no objections to this application.</p> <p>The Short Term Let Property is being managed on a day to day basis by Susan Munro who is acting on behalf of the Applicant.</p> <p>Mr Thornton Smith's property is a self-contained flat within a block of 6 and is situated to the left-hand side on the ground floor.</p> <p>The property has 2 bedrooms, and the applicant has applied for a maximum capacity of 4 guests.</p> <p>2 letters of objection have been received with regard to this application (see attached letters of objections).</p> <p>An email providing supporting evidence has been received from Susan Munro, agent/day to day manager (see attached email of support)</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.

In assessing an application for a short-term lets licence, the Council will consider:

- 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);
- 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.

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.

Conditions attached to a Short-term Let Licence

Mandatory Conditions

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.

Please note that the Council has no power to amend these mandatory conditions.

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.

LEGAL POSITION	<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> <ul style="list-style-type: none"> (i) for the time being disqualified under section 7(6) of this Act, or (ii) not a fit and proper person to be the holder of the licence; <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 himself;</p> <p>(c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to –</p> <ul style="list-style-type: none"> (i) the location, character or condition of the premises or the character or condition of the vehicle or vessel; (ii) the nature and extent of the proposed activity; (iii) the kind of persons likely to be in the premises, vehicle or vessel; (iv) the possibility of undue public nuisance; or (v) public order or public safety; or <p>(d) there is other good reason for refusing the application; 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 objections 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"> • Consider any preliminary issues • Members of the public speak to their objections • Committee asks any questions to the objectors • Applicant makes submission • Committee asks any questions of the applicant • 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
 - (c)
 - (d) 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,

(e) 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.

Perth and Kinross Council, licensing dep.
Legal services Pullar House,
35 Kinnoul Street Perth
PH15GD

Eduard Hari
80 Monart Road Perth PH15UQ
[REDACTED]

4.2.2023

Subject: Application for licence for short-term letting at 62 Monart Road.

Sir,

I object for the following reasons:

- 1 they let their flat out on short term to Builders, who park their heavily soiled large vehicles and leave a mess, in the road and also farm vehicles and caravans have been parked in the road making it difficult to manoeuvre, causing congestion in our residential road.
- 2 Late at night or in the early hours in the morning they sometimes gather in front of the flat and have noisy conversation without any regard to other residence, leaving plastic coffee cups and messing up the pavement with fag ends. This is not a Motel it is a residential private road.
- 3 Sometimes they arrive with several vehicles and park anywhere they please.

Sincerely yours [REDACTED]
[REDACTED]

Perth and Kinross Council, licensing dep.
Legal services Pullar House,
35 Kinnoul Street Perth
PH15GD

Mrs. Violet Hari
80 Monart Road Perth PH15UQ
[REDACTED]

7.2.2023

Subject: Application for licence for short-term letting at 62 Monart Road.

Sir,

I object for the following reasons:

- 1 they let their flat out on short term to Builders, who park their heavily soiled large vehicles and leave a mess, in the road and also farm vehicles and caravans have been parked in the road making it difficult to manoeuvre, causing congestion in our residential road.
- 2 Late at night or in the early hours in the morning they sometimes gather in front of the flat and have noisy conversation without any regard to other residence, leaving plastic coffee cups and messing up the pavement with fag ends. This is not a Motel it is a residential private road.
- 3 Sometimes they arrive with several vehicles and park anywhere they please.

Sincerely yours
[REDACTED]

Civic Licensing

From: john smith [REDACTED]
Sent: 05 April 2023 11:01
To: CDS STL
Cc: Susan Munro
Subject: Fw: Owners authority

Follow Up Flag: Follow up
Flag Status: Completed

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From: Susan Munro [REDACTED]
Sent: 05 April 2023 09:47
To: john smith [REDACTED]
Subject: Owners authority

FS-Case-464074532
CIVIC GOVERNMENT (SCOTLAND) ACT 1982
APPLICATION FOR GRANT OF A SHORT TERM LET LICENCE – 62 Monart Road, Perth, PH1 5UQ
LICENSING COMMITTEE – 17 APRIL 2023

To whom it may concern.

I John Thornton Smith give Susan Munro consent to attend the above meeting on my behalf.

Regards

J smith

John Thornton
32 Lime Grove
Kirby Muxloe
LE9 2DF

Civic Licensing

Subject: STL Application 62 Monart Road, Perth ref: FS-Case-464074532 -
Attachments: PastedGraphic-2.tiff; Committee Report Short term let John Thornton Smith - 62 MONART ROAD PERTH (003).docx; Fw: Owners authority

From: Susan Munro [REDACTED]
Sent: 03 April 2023 10:49
To: CDS STL <STL@pkc.gov.uk>
Cc: john smith [REDACTED]
Subject: Your ref: FS-Case-464074532

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.

Supporting evidence/documentation

FS-Case-464074532

Short term license application- 62 Monart Road, Perth, PH1 5UQ

- 62 Monart Road has been a short term holiday let since May 2016 and has attracted various guests from all over the world.
- At no time in the past seven years have any of the neighbours complained about noise, fag ends, coffee cups or mess in the road.
- I have never had any farmers staying at the property or guests with caravans.
- I personally check the property and surrounding area every week.
- Our terms and conditions clearly state guests must respect the neighbours (please see attached extract from our terms and conditions which can be found on our website www.munroholidaylettings.com).
- Signage, which includes our contact details is clearly displayed in the window and parking space at number 62 so that if any of the neighbours have a complaint they can contact me personally.
- The objectors live in a different block to number 62 and their property faces onto the Lade so they shouldn't be affected by noise from the guests if there is ever a problem.
- I am disappointed that the objectors didn't feel they could contact me personally to discuss any of these problems.
- Guests are always notified that there is strictly only one parking space at the apartment.
- Many of the properties in this development are let out on a long term basis also by workmen and there have always been problems with parking by owners and tenants not specifically my guests.

Susan Munro
Munro Holiday Lettings & Property Management
Unit 32
Algo Business Centre Ltd
Gleneam Road
Perth
PH2 0NJ

Mail: [REDACTED]
Web: www.munroholidaylettings.com



condition. This includes washing up, placing rubbish in bin liners and putting in outside bins, ensuring ovens and barbeque are clean and free from grease.

Use of property

Under no circumstances may more than the maximum number of persons stated on the web site occupy the property, unless by prior arrangement with the owners. We reserve the right to refuse admittance if this condition is not observed.

You must not use the Property or the site for any illegal, dangerous, offensive, noxious or noisy activities or behave in a way that may be a nuisance or annoyance to us, other guests or our neighbours. Some of our properties are in peaceful locations and we ask that you respect that and others. As such, the playing of music, singing or other excessive noise that can be heard outside of your property after 9pm is not permitted.

Smoking is not allowed in any of the properties or in the hot tubs. If you wish to smoke outside, please let us know, and we will provide you with a suitable container. Please do not discard cigarette butts in the garden or grounds.

Liability

Licence for Short-term Let – Declaration/s by Owners.

All owners of the property must agree to an application for a short-term lets licence being made. Please score through the words below that do not apply and then sign the declaration below. I / We declare that:-

I / ~~we~~ am/are the owner(s) of the property at [insert address]: 62 MONART ROAD, PERTH PH15UQ

..... I / We confirm that

I / ~~we~~ am/are aware of the application for a short-term let licence and consent to the application being made.

1. Signed: [REDACTED] Date: 21/11/22

Name: JOHN T. SMITH PRINT IN BLOCK CAPITALS
Address: 32, LIME GROVE, KIRBY MUXLOE
LE9 2DF

Joint owners should complete the section below or a separate Owner's Declaration.

2. Signed: Date:
Name: PRINT IN BLOCK CAPITALS
Address:
.....

PERTH AND KINROSS COUNCIL – LICENSING COMMITTEE
17 APRIL 2023
REPORT BY HEAD OF LEGAL AND GOVERNANCE SERVICES

TYPE OF APPLICATION	Grant of a Short term let Licence
APPLICANT/S	Mrs Anneke Kirkaldy-Matthee and Mr Duthie Kirkaldy Provisional Licence Number:- PK11140P and PK11141P
PREMISES (if applicable)	19 Douglaslea, Townhead, Auchterarder, PH3 1AH. 19A The Bothy, Townhead, Auchterarder, PH3 1AH.
THE APPLICATION	<p>Mrs Anneke Kirkaldy-Matthee and Mr Duthie Kirkaldy joint owners of the properties have applied for two, three-year short term let licences as existing hosts (operating prior to the 1 October 2022). The applications have been validated by Licensing Officers and have been sent out for consultation. The Police, Fire Service and Planning have stated they have no objections to these applications.</p> <p>Mrs Kirkaldy-Matthee and Mr Kirkaldy's properties are a detached house (Douglaslea, 19 Townhead, Auchterarder, Perth, PH3 1AH) and a detached premise (The Bothy, 19A Townhead, Auchterarder, Perth, PH3 1AH) situated in the back garden of Douglaslea, 19 Townhead.</p> <p>The house has 2 bedrooms and the applicants have applied for a maximum capacity of 4 guests.</p> <p>The detached premise has 1 bedroom and the applicants have applied for a maximum capacity of 2 guests.</p> <p>1 letter of objection has been received with regard 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

	<p>and proper”);</p> <ul style="list-style-type: none"> • compliance/ability to comply with mandatory conditions (applicable to all short-term lets across Scotland) (copy attached); • 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>
LEGAL POSITION	<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> <ul style="list-style-type: none"> (i) for the time being disqualified under section 7(6) of this Act, or (ii) not a fit and proper person to be the holder of the licence; <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 himself;</p> <p>(c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to –</p> <ul style="list-style-type: none"> (i) the location, character or condition of the premises or the character or condition of the vehicle or vessel; (ii) the nature and extent of the proposed activity; (iii) the kind of persons likely to be in the premises, vehicle or vessel; (iv) the possibility of undue public nuisance; or (v) public order or public safety; or <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
<p>OPTIONS</p>	<p>The Committee need to consider whether the objection 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"> • Consider any preliminary issues • Member of the public speak to their objection • Committee asks any questions to the objector • Applicants make submission • Committee asks any questions of the applicants • Committee makes decision
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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.

17 Townhead
Auchterarder
Scotland
PH3 1AH

Licensing Department
Legal Services
Pillar House
35 Kinnoull Street
Perth
PH1 5GD

Dear Sirs,

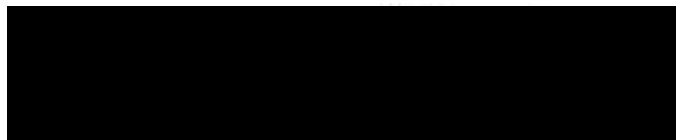
RE: APPLICATION FOR SHORT TERM LET LICENCE IN RESPECT OF DOUGLASLEA AND THE BOTHY, 19/19A TOWNHEAD, AUCHTERARDER, PH3 1AH (the “Premises”)

We refer to the public notice of application for short-term let licence for the Premises.

While we have no desire to interrupt the owner’s use of their property, we are concerned about the Premises being used as a short-term let. It is very possible that large groups of people may wish to book the property for the purposes of group getaways, hen parties, etc; our bedroom overlooks the garden of the Premises and we find that noise carries very easily. A temporary dwelling is located in the garden (this being 19a), meaning that visitors often come and go, and spend large amounts of time in the garden itself. Our sleep has previously been disturbed during the night by noise on occasion, but we appreciate that everyone is entitled to enjoy their property as they wish and do not mind this being a rarity. However, we would strongly object to that being a regular occurrence (which we regretfully point out seems highly likely) and feel that it would interfere with our enjoyment of own property.

We therefore respectfully request that the application is rejected. If the Council is minded to accept, we should be grateful if the licence could be restricted with an outdoor curfew.

Yours faithfully,

A large black rectangular redaction box covering the signature area.

Mr Fraser Grant and Mr Richard Davidson

PERTH AND KINROSS COUNCIL – LICENSING COMMITTEE
17 APRIL 2023
REPORT BY HEAD OF LEGAL AND GOVERNANCE SERVICES

TYPE OF APPLICATION	Grant of a Late Hours Catering Licence
APPLICANT	Shell UK Oil Products Limited, Shell Centre, London, SE1 7NA
PREMISES (if applicable)	Shell Strathtay, Edinburgh Road, Perth, PH2 8DX
THE APPLICATION	<p>The applicant has applied for a one year late hours catering licence for the following:-</p> <p>Monday to Sunday 23:00 to 05:00 hours each day.</p> <p>The premises was previously licensed as Motor Fuel Limited for Monday to Sunday (23:00-05:00).</p>
RELEVANT LICENSING POLICIES	The current policy is 23:00 until 01:00.
LEGAL POSITION	<p>The Civic Government (Scotland) Act 1982 provides grounds for refusal of a late hours catering licence. Any decision to refuse a late hours catering 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 himself;</p> <p>(c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct</p>

	<p>of the activity having regard to –</p> <p>(i) the location, character or condition of the premises or the character or condition of the vehicle or vessel;</p> <p>(ii) the nature and extent of the proposed activity;</p> <p>(iii) the kind of persons likely to be in the premises, vehicle or vessel;</p> <p>(iv) the possibility of undue public nuisance; or</p> <p>(v) public order or public safety; 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 • any other relevant considerations
OPTIONS	<p>The Committee need to consider whether to deviate from the Council's current late hours catering policy.</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 attaching conditions relating to days and hours of which the premises may be open for business, and different days and hours may be fixed for the sale of food for consumption on the premises from those fixed for the sale of food for consumption off the premises. • defer the application (9 month decision date 02/11/2023) or • refuse the application.
PROCEDURE	<ul style="list-style-type: none"> • Consider any preliminary issues • Applicant makes submission • Committee asks any questions of the applicant • Applicant sums up • Committee makes decision