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Council Building
2 High Street
Perth
PH1 5PH

05/03/2024

A hybrid meeting of the **Licensing Committee** will be held in **the Council Chambers (Hybrid)** on **Tuesday, 12 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

Tuesday, 12 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. PK11493P 5 - 36**
Report by Strategic Lead - Legal and Governance (copy herewith 24/85)
- 4 GRANT OF A SHORT TERM LET LICENCE - PROVISIONAL LICENCE NO. PK12233P 37 - 66**
Report by Strategic Lead - Legal and Governance (copy herewith 24/86)
- 5 GRANT OF A SHORT TERM LET LICENCE - PROVISIONAL LICENCE NO. PK11208P 67 - 78**
Report by Strategic Lead - Legal and Governance (copy herewith 24/87)
- 6 GRANT OF A SHORT TERM LET LICENCE - NEW OPERATION, COORIE IN, 17 STRATHTAY LODGES, ABERFELDY 79 - 100**
Report by Strategic Lead - Legal and Governance (copy herewith 24/88)
- 7 GRANT OF A SHORT TERM LET LICENCE - PROVISIONAL LICENCE NO. PK11096P 101 - 112**
Report by Strategic Lead - Legal and Governance (copy herewith 24/89)
- 8 GRANT OF A SHORT TERM LET LICENCE - PROVISIONAL LICENCE NO. PK12090P 113 - 126**
Report by Strategic Lead - Legal and Governance (copy herewith 24/90)

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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
12 MARCH 2024
REPORT BY STRATEGIC LEAD – LEGAL AND GOVERNANCE

TYPE OF APPLICATION	Grant of a Short-Term Let Licence
APPLICANT(S)	Chelverton Investments Ltd Provisional Licence Number: PK11493P
PREMISES (if applicable)	1a Balmoral Court, Gleneagles Village, Auchterarder, Perth And Kinross, PH3 1SH
THE APPLICATION	<p>Chelverton Investments Ltd, a corporate entity Applicant, has applied for a three-year short-term let licence as an existing host (operating prior to 1 October 2022). Mr Paul Lewis will be attending as representative for Chelverton Investments Ltd.</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 six bedrooms, and the Applicant(s) has applied for a maximum capacity of 10 guests.</p> <p>Eight 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>
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<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
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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: Roy MacGregor [REDACTED]
Sent: 19 October 2023 12:00
To: CDS STL
Subject: Objection to Airbnb Licenses - Balmoral Court Gleneagles
Importance: High

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,

Objection to Airbnb Licenses – Balmoral Court Gleneagles

Following notice of Airbnb licences being applied for in respect of properties in Balmoral Court Gleneagles (1A [REDACTED]), I am writing to express my concerns and objection to this going ahead.

The neighbourhood is very much a community base and a quiet area. As the licenses are for short term lets, I have concerns around the potential increased movement of people in and out of the neighbourhood and increased noise levels. There is the potential for the tenants not to respect the area as being quiet and family orientated.

I should be grateful if you could please consider my objection. My contact details are –

Roy MacGregor
2X Balmoral Court
Gleneagles Village
Auchterarder
PH3 1SH

Kind regards,

Roy

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Civic Licensing

From: Judith Good [REDACTED]
Sent: 30 October 2023 14:25
To: CDS STL
Subject: Short-term Let Application Objections, re Public Notice of 25 October 2023

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Dear Sirs

1A Balmoral Court, Gleneagles Village, Auchterarder - Short-term Let Licensing Application

I object to the Short-term Let Licensing Application on the following grounds:

Title Deeds require use of dwellings on Balmoral Court to be a private residence/family home and not a business.

Short-term lettings are likely to cause:

- a) Nuisance
- b) Security issues
- c) Affect the sense of community of the neighbourhood.

Short-term lettings are likely to cause disturbance by noisy parties.

Short-term lettings are likely to cause nuisance of increased traffic of both unknown people and vehicles in and out of the private road and across communal garden areas with resulting loss of security, all of which is detrimental to the peaceful character of the neighbourhood.

Yours sincerely

Judith Good

[REDACTED]

6X Balmoral Court, Gleneagles Village, Auchterarder, PH3 1SH

Civic Licensing

From: Richard Gray [REDACTED]
Sent: 25 September 2023 22:23
To: CDS STL
Cc: Jennifer Gray
Subject: Objection to Short Term Let Licence Application

Follow Up Flag: Follow up
Flag Status: Completed

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>
 >>> Dear Sir/Madam
 >>>
 >>> We wish to lodge an objection to the application for short term lettings by 1A Balmoral Court in Gleneagles Village. We have been made aware that a piece of paper, which we assume must have been the notice, was attached to a light in the garden of the property last month but was not obvious or accessible to read.
 >>>
 >>> Our objection is based on the proximity of the property to adjacent residences and the resultant inconvenience caused by frequent short term usage by parties of varying size.
 >>>
 >>> In particular there have been regular infringements of the generally accepted standards of behaviour which prevail on Balmoral Court and are encapsulated in the rules of the Balmoral Court Residents Association. Examples of this have included :
 >>> a) visitors playing ball games on the communal land outside our
 >>> property
 >>> b) dog fouling on the communal ground outside our property and
 >>> failure to keep dogs on leads
 >>> c) excessive numbers of vehicles parked in the driveway of 1A and often on the road. Online advertisements refer to sleeping accommodation for parties up to ten. Given the large number of people often staying there relative to the size of the property they are presumably obliged to spill over into the garden causing noise, particularly at night. Furthermore the advertising states that the garden is a good size and therefore suitable for dog owners whereas it is small and surrounded by communal grounds which are not referred to.
 >>> d) visitors trespassing on our gardens and looking through the
 >>> windows of our property e)visitors using our dustbins to dispose of
 >>> rubbish f)excessive noise caused by music and social gatherings on the terrace/barbecue area created at the front of 1A, and on the adjacent lawned and wooded areas, directly across from our property.
 >>> g) anti-social behaviour linked to group events, including hostile responses to polite reminders about minimising loud music at all hours.
 >>
 >>> Not all parties have displayed these types of behaviour but a sufficiently large number have done so to negatively impact the environment.
 >>>
 >>> There is inconsistent language used in the advertisements on websites, some of which preclude usage by “stag”, “hen” parties, “21sts” or “large gatherings ” or in the case of Airbnb referring to “no parties or events”. However a significant number of gatherings appear to be centred around a variety of such celebratory events.
 >>
 >>> In summary the nature of the usage of the property and the associated behaviour is inconsistent with the atmosphere and environment of Balmoral Court. This is a private road containing thirteen houses which are laid out

on largely communal ground, without hedges or fencing, meaning that residents share the facilities. They are respectful of the need to avoid disturbance in such a quiet residential community, in the same way as would apply to flats with shared access and communal areas.

>>

>>>

>>> Richard and Jennifer Gray 3X Balmoral Court

>>> PH3 1SH

>>

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>>>

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>>>

Civic Licensing

From: John Bryden <[REDACTED]>
Sent: 03 November 2023 15:43
To: CDS STL
Subject: Objection to short term let application - 1A Balmoral Court, Gleneagles PH3 1SH

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Dear Karen

Please can I cancel my previous objections and update with below;

Objection to short term let application for Secondary Letting as publicly advertised on 25th October for 1A Balmoral Court, Gleneagles Village, Auchterarder PH3 1SH

I would like to bring your attention to some concerns regarding the property at 1A Balmoral Court. Balmoral Court is a peaceful residential area with 13 houses, accessible through a private road. The responsibility for maintaining this road falls on the owners of the houses. It is important to note that there are no pavements in the vicinity.

One recurring issue is that Airbnb guests often wander into private gardens, as there are no clear boundaries in place. Additionally, it has been observed that there is an excessive number of cars parked at 1A Balmoral Court, causing overflow onto the narrow private road. This is a violation of the conditions stated in the title deeds, which require the road to be kept clear at all times. On weekends, it is not uncommon to have 5-6 cars and vans associated with 1A.

Furthermore, it is essential to understand that the houses in Balmoral Court are situated on communal land. The property at 1A is registered as a business in the Cayman Islands and is not used for personal purposes. However, transforming it into a commercial property would necessitate obtaining planning permission to change its use from residential to commercial. If such permission is granted, the property should undergo a Rates Valuation adjustment and acquire a commercial public liability insurance policy, which must be displayed within the premises. Theoretically, if business use is permitted, the property could even apply for a public house license to serve alcohol.

It is crucial to emphasize that the title deeds explicitly state that all properties in Balmoral Court are designated for residential use only. No circumstances allow for any business activities to be conducted within the private communal area.

Unfortunately, the residents of Balmoral Court have no means of contacting the owners of 1A to address issues related to inappropriate behavior or trespassing by short-term Airbnb tenants. Moreover, there was no representative from 1A present at the recent Annual General Meeting.

The property at 1A Balmoral Court is advertised as being the closest to Gleneagles Hotel, which can lead to further disturbances when the guests are in high spirits. Additionally, the owners promote a wooded area ideal for BBQs, which is actually part of the communal land.

It is evident that the owners of 1A prioritize profit over the well-being and quality of life of their neighbors, causing an unacceptable impact on the local amenity and character of the area.

To support my concerns, I have enclosed photographs of 1A Balmoral Court, showcasing the open communal areas, available parking, and the private road.

Granting planning permission for business use at 1A would result in the loss of a residential property. I hope the issues raised are sufficient evidence to discourage the granting of a short-term let secondary license for 1A Balmoral Court.

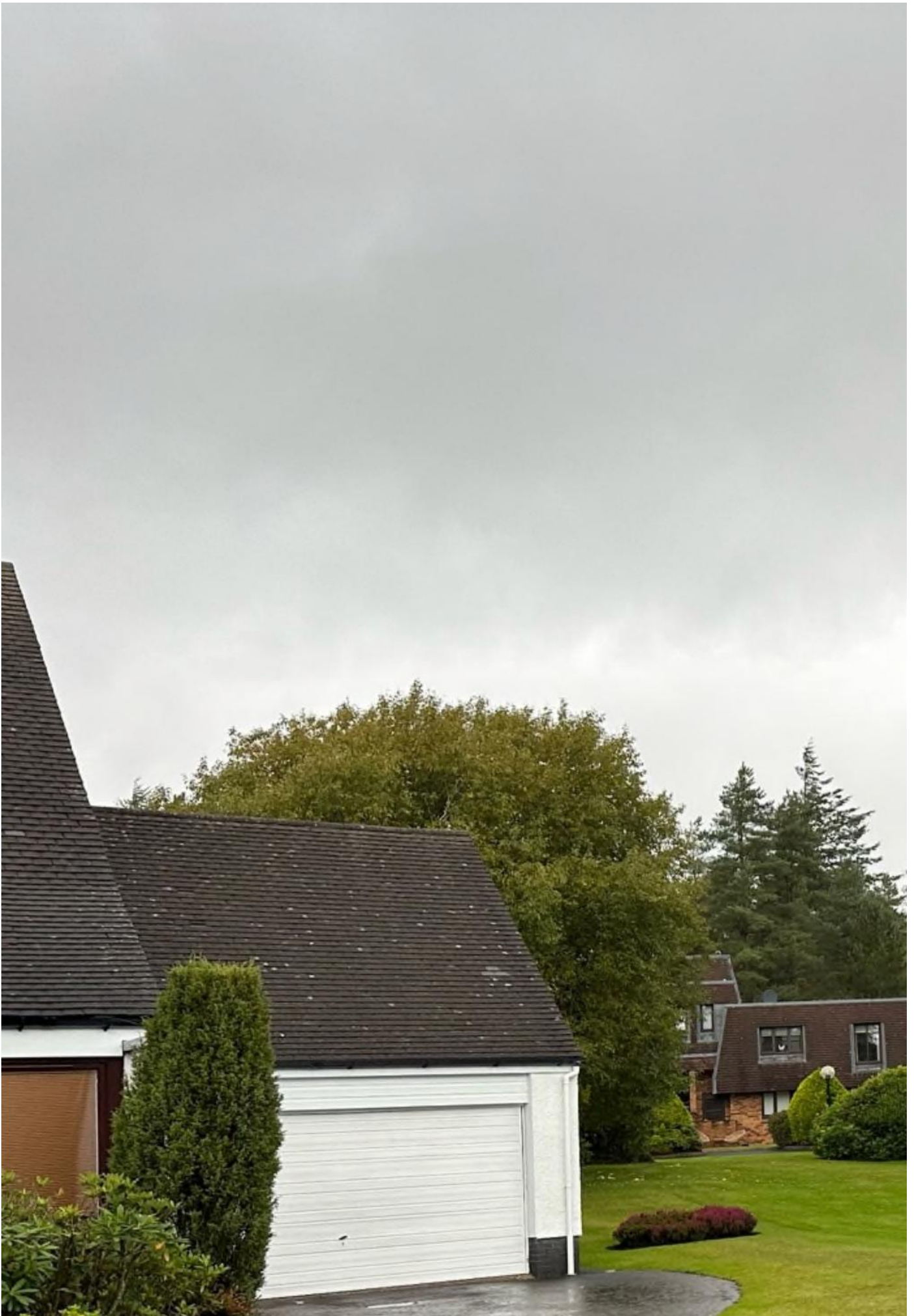
Thank you for your attention to this matter.

Yours Sincerely,

John G Bryden
5X Balmoral Court
Gleneagles Village
PH3 1SH







Sent from my iPhone

Civic Licensing

From: Ian Massie [REDACTED]
Sent: 10 October 2023 10:32
To: CDS STL
Subject: Objection to Grant a Short Term Let Licence - Application Number 1196

Follow Up Flag: Follow up
Flag Status: Completed

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Dear Sir/Madam,

I wish to formally object to the granting of a short term let licence - application number 1196 for the property whose address is:

1A Balmoral Court
Gleneagles Village
Auchterarder
PH3 1SH

As a resident of Balmoral Court, the basis of my objection are as follows using terminology as outlined in the PKC Short Term Let Guidelines.

The 1982 Act states that a licensing authority shall refuse an application to grant or renew a licence, if in their opinion -

(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:

- (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; or

(v) public order or public safety; or

The above list wholly covers and addresses the concerns of my objection and I would hope that the Licensing Committee will support the view of myself and other residents of Balmoral Court in the refusal to grant a Short Term Let Licence.

Yours Sincerely

I & G A Massie

3A Balmoral Court

Gleneagles Village

Auchterarder

PH3 1SH



Sent from my iPad

Civic Licensing

From: Gary Brass [REDACTED]
Sent: 25 October 2023 10:56
To: CDS STL
Subject: Objection to 1A Balmoral Court, Gleneagles Village, Auchterarder PH3 1SH - Airbnb application

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Dear Sirs,

Further to my previous email, I am also writing to object to the application by 1A Balmoral Court, Gleneagles Village, Auchterarder, Perthshire PH3 1SH, to let out their property via Airbnb.

As previously stated Balmoral Court is in a quiet cul-de-sac and as a private resident I feel that it would not be appropriate for commercial activity to take place or for frequent comings and goings by strangers .

Regards,

Gary Brass

*Gary M Brass
4X Balmoral Court
Gleneagles Village
Auchterarder
Perthshire
PH3 1SH*

[REDACTED]

Civic Licensing

From: [REDACTED]
Sent: 12 October 2023 21:58
To: CDS STL
Subject: Letter of Objection to Short Term lets at Balmoral Court
Attachments: Letter of objection to short term letting licenses Oct 8 2023.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Council Members

Please see the attached Letter of Objection regarding the granting of short term let licenses to 7X Balmoral Court and 1A Balmoral Court.

Your sincerely

James Jardine
2A Balmoral Court

Perth and Kinross Council
Legal Services
Licensing Department
Pullar House
35 Kinnoull Street
Perth, PH15GD

October 8, 2023

Re: [REDACTED]

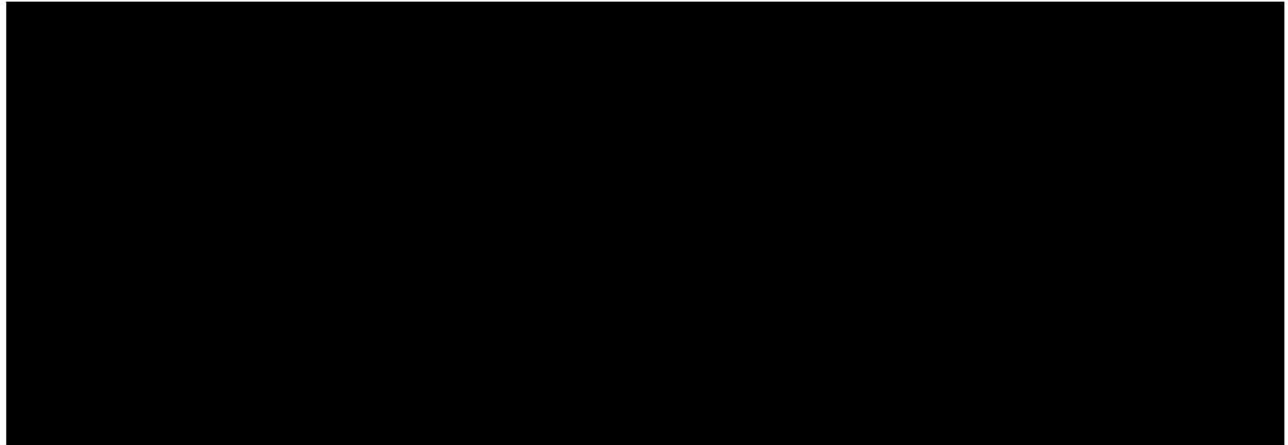
Dear Council Members

As agent for the Alexandra James Trust, which owns the property at 2A Balmoral Court, Gleneagles Village, Perthshire, PH31SH, I hereby lodge an objection to the granting of a short term let license to 1A Balmoral Court, License Application number PK 11493P, ID # 1196 on the following grounds.

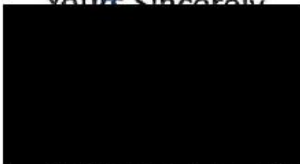
Over the years since this residence has been operated as a short term let property, there have been several instances which I have witnessed or have been made aware of by other property owners at Balmoral Court, where some of the guests staying at 1A, have behaved in a manner that is not appropriate to the environment of the property and the neighbourhood. In some instances, this behaviour has not been in accordance with the rules established in our Deeds of Conditions. Specifically, the following behaviour has been witnessed either by me or other property owners at Balmoral Court:

- Excessive noise and disturbance (in particular Stag and Hen nights etc.)
- Drinking and partying outside the front and rear of the property
- Large parties are taking place.
- Parking on Balmoral Court's main roadway
- Parking in front of neighbouring properties
- Football being played on communal land which is not designed for ball games.
- Guests, their children and dogs walking through neighbouring properties.

It is my view that the properties at Balmoral Court are private residential homes and that the operation of any property in the development on a short-term let basis should not be permitted under any circumstances.



Yours Sincerely,



Acting as Agent for and on behalf of
The Trustee (Ocorian Services (Bermuda) Ltd.) for
The Alexandra James Trust



Damian Resnik
Managing Director
Ocorian Services (Bermuda) Limited
Trustee of The Alexander James Trust
31 Victoria Street
Hamilton HM GX
Bermuda
Tel #: [REDACTED]
e-mail: [REDACTED]

Civic Licensing

From: Bill Hazeldean <[REDACTED]>
Sent: 10 November 2023 11:15
To: CDS STL
Subject: Fwd: Short Term Let 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.

Subject: Short Term Let Objection

Dear Sirs,

Objection to Secondary Short Term Let Licence for 1A Balmoral Court, Gleneagles Village,
Auchterarder, PH3 1SH

I am a resident of Balmoral Court, and lived here for the last 20 years. It is my main residence, and spend at least 48 weeks per annum in the property.

Balmoral Court is situated in the grounds of the Gleneagles Hotel, and all 13 properties are accessed by a private road.

The layout of the properties are situated in an open - parkland styled community, unfenced with communal grounds. Consequently, mutual respect of the privacy of fellow residents and their properties' boundaries, are essential for neighbours to coexist without conflict.

Similarly, parking on the narrow entry road is disallowed, and use of the communal grounds is restricted to ensure that none of the other residents are inconvenienced or upset by excessive noise.

Over the years that 1A has been operating as a short term let property, a number of issues have arisen that have breached the rules by which the rest of our residents abide. Despite requesting the agents of the property to ensure those letting fully understand the behaviour required by residents of the properties, my neighbours and I have continued to be inconvenienced.

Frankly, because of the nature of the layout of the properties they are simply not suitable for people who are residing for a very short period, and upsetting for the neighbouring permanent residents.

I very much hope that you will bear in mind my objections before granting a licence to 1A Balmoral Court.

Yours sincerely,

Bill Hazeldean
6A Balmoral Court,
Gleneagles Village
Auchterarder
Perthshire PH3 1SH
Sent from my iPhone

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

TYPE OF APPLICATION	Grant of a Short-Term Let Licence
APPLICANT(S)	Aileen Taylor and Derek Taylor Provisional Licence Number: PK12233P
PREMISES (if applicable)	7x Balmoral Court, Gleneagles Village, Auchterarder, Perth And Kinross, PH3 1SH
THE APPLICATION	<p>Aileen Taylor and Derek Taylor, 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 detached house. The Application is for that of a 'secondary letting' short-term let licence.</p> <p>The property has five bedrooms, and the Applicant have applied for a maximum capacity of 10 guests.</p> <p>Eight 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>
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<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
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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: Roy MacGregor <roy.macgregor@geggroup.com>
Sent: 19 October 2023 12:00
To: CDS STL
Subject: Objection to Airbnb Licenses - Balmoral Court Gleneagles
Importance: High

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,

Objection to Airbnb Licenses – Balmoral Court Gleneagles

Following notice of Airbnb licences being applied for in respect of properties in Balmoral Court Gleneagles (■■ and 7X), I am writing to express my concerns and objection to this going ahead.

The neighbourhood is very much a community base and a quiet area. As the licenses are for short term lets, I have concerns around the potential increased movement of people in and out of the neighbourhood and increased noise levels. There is the potential for the tenants not to respect the area as being quiet and family orientated.

I should be grateful if you could please consider my objection. My contact details are –

Roy MacGregor
2X Balmoral Court
Gleneagles Village
Auchterarder
PH3 1SH

Kind regards,

Roy

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

Civic Licensing

From: Judith Good [REDACTED]
Sent: 09 October 2023 16:26
To: CDS STL
Subject: Short-term Let Application Objections, re: Public Notice dated 28 SEPTEMBER 2023

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Dear Sirs

7X Balmoral Court, Gleneagles Village, Auchterarder - Short-term Let Licensing Application

I object to the Short-term Let Licensing Application on the following grounds:

Title Deeds require use of dwellings on Balmoral Court to be a private residence/family home and not a business.

Short-term lettings are likely to cause:

- a) Nuisance
- b) Security issues
- c) Affect the sense of community of the neighbourhood.

Short-term lettings are likely to cause disturbance by noisy parties.

Short-term lettings are likely to cause nuisance of increased traffic of both unknown people and vehicles in and out of the private road and across communal garden areas with resulting loss of security, all of which is detrimental to the peaceful character of the neighbourhood.

The boundary between 7X and 6X is not physically delineated, there is a risk of visitors wandering onto 6X property where young family members play.

Yours sincerely

Judith Good

[REDACTED]

6X Balmoral Court, Gleneagles Village, Auchterader, PH3 1SH

Civic Licensing

From: Richard Gray [REDACTED]
Sent: 06 October 2023 17:05
To: CDS STL
Cc: Jennifer Gray
Subject: Objection to Short Term Let Licence Application

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

Dear Sir/Madam

We wish to object to the short term let licence application which is being displayed at 7X Balmoral Court in Gleneagles Village.

The use of this residence for short term lets is inconsistent with the environmental qualities of this private cul-de-sac.

As we have mentioned in our associated objection to an application by [REDACTED], the grounds are laid out without fences to provide communal space to be shared by the residents. For this to operate successfully we need to maintain standards of behaviour consistent with the requirements of the original Title Deeds and ensconced in the terms and conditions agreed by the Balmoral Court Residents Association. These standards have been sadly lacking on the part of many of the large groups staying in the rental properties.

Whilst we at 3X have not suffered directly from anti-social behaviour at 7X due to lack of proximity the impact on our adjacent communal grounds has been negative.

We had also similarly experienced a period of approximately eighteen months when a previous owner of 4X commenced short term lets. The result was a number of large groups using the property for parties which caused excessive noise, particularly late at night, and trespassing.

We repeat our assertion from our objection to [REDACTED] that Balmoral Court is identical to a block of flats with the cul-de-sac representing the same characteristics of shared access as a stairwell. The resultant impact of short term lets by large groups is detrimental to this communal environment.

Richard & Jennifer Gray
3X Balmoral Court
Auchterarder
PH3 1SH

Civic Licensing

From: John Bryden <[REDACTED]>
Sent: 02 October 2023 16:01
To: CDS STL
Subject: OBJECTION to Secondary Short Term Let Application

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

OBJECTION to Secondary Short Term Let Application for 7X Balmoral Court, Gleneagles Village, PH3 1SH

I hope this message finds you well. I am writing to express my objection to the application for a secondary short term let licence for the above property, I have several reasons for my objection, which I believe are important to bring to your attention.

Firstly, it is crucial to note that Balmoral Court consists of 14 spacious houses situated on a narrow private road, with open gardens that overlook each other. My objection primarily stems from the close proximity of the property in question to adjacent residences, and the inconvenience caused by frequent short term usage, catering to parties of varying sizes.

It is important to highlight that the title deeds of the property explicitly state a condition that prohibits the use of any properties within Balmoral Court for rental or business purposes. This condition is also outlined in the constitution of the Balmoral Court Residents Association.

Over the past months, there have been numerous instances where the generally accepted standards of behavior, as outlined by the Balmoral Court Residents Association, have been disregarded. Allow me to provide you with a few examples. Visitors have been observed playing ball games on the communal land outside our property, posing both safety risks and disrupting the peaceful environment. Moreover, there have been instances of dog fouling on the communal ground, with dogs frequently off-leash despite the regulations in place. I must highlight that one such incident resulted in a dog attacking my 14-year-old son when it jumped over our wall during a nighttime walk.

Online advertisements for the property mention sleeping accommodations for parties of up to ten people. Given the size of the property, it is presumed that guests overflow into the garden, causing noise disturbances, particularly at night. It is worth noting that the advertising refers to the garden as suitable for dog owners, yet fails to acknowledge that it is surrounded by communal grounds.

Furthermore, visitors have been trespassing on our gardens, and on several occasions, due to the close proximity of Gleneagles Hotel we have been disturbed late at night with guests walking to 7X. They have also left empty alcohol bottles in our garden adding to the disturbance and inconvenience.

Excessive noise, resulting from music and social gatherings on the terrace/barbecue area at the front of 7X, as well as on the adjacent lawned and wooded areas in close proximity to our property, has been a recurring issue. These gatherings often lead to anti-social behavior, and when residents politely request a reduction in loud music, they are met with hostile responses. I must share a particularly alarming incident where a party of guests at the bottom of our garden set off fireworks to celebrate a birthday party. This not only frightened us and our dog but also posed a significant danger due to the abundance of trees in the area.

While it is true that not all parties exhibit such behavior, a significant number of them have, negatively impacting the overall environment of Balmoral Court.

Another concern I would like to raise is the inconsistent language used in the advertisements on various websites. While some explicitly state that the property is not available for "stag," "hen," or "large gatherings" parties, others,

such as Airbnb, mention a policy of "no parties or events." However, it is evident that a considerable number of gatherings are centered around celebratory events of these natures.

We recently had our Balmoral Court Residents Association AGM, as part of the association the owners of 7X were invited to attend, unfortunately they did not attend or send appropriate apologies. This indicates that the owners have a "couldn't care less attitude" and are not willing to listen to their neighbours concerns.

One further point is that I read the notice should have been put up on Thursday 28th September giving 21 days notice where in fact the notice was put up on Saturday 30th September therefore not giving the full 21 days notice.

In summary, the nature of the property's usage and the associated behavior are incongruous with the peaceful and respectful atmosphere of Balmoral Court. As a private road with fourteen houses set on communal grounds, it is crucial for residents to respect and minimize disturbances, just as one would expect in flats with shared access and communal areas.

I kindly request that you seriously consider my objections and take them into account when reviewing the application for the secondary short term let licence at 7X Balmoral Court. It is of utmost importance to preserve the harmony and tranquility of our residential community.

Thank you for your attention to this matter. If you require any further information or clarification, please do not hesitate to contact me.

John G Bryden
5X Balmoral Court
Gleneagles Village
PH3 1SH

Sent from my iPhone

Civic Licensing

From: Ian Massie [REDACTED]
Sent: 10 October 2023 10:39
To: CDS STL
Subject: Objection to Grant a Short Term Let Licence - Application Number 515

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Dear Sir/Madam

I wish to formally object to the granting of a short term let licence - application number 515 for the property whose address is:

7X Balmoral Court
Gleneagles Village
Auchterarder
PH3 1SH

As a resident of Balmoral Court, the basis of my objection are as follows using terminology as outlined in the PKC Short Term Let Guidelines.

The 1982 Act states that a licensing authority shall refuse an application to grant or renew a licence, if in their opinion -

(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:

- (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; or

(v) public order or public safety; or

The above list wholly covers and addresses the concerns of my objection and I would hope that the Licensing Committee will support the view of myself and other residents of Balmoral Court in the refusal to grant a Short Term Let Licence.

Yours Sincerely

I & G A Massie

3A Balmoral Court

Gleneagles Village

Auchterarder

PH3 1SH

Tel No: [REDACTED]

Sent from my iPad

Civic Licensing

From: Gary Brass [REDACTED]
Sent: 25 October 2023 10:58
To: CDS STL
Subject: Objection to short-term let licence application for 7x Balmoral Court, Gleneagles Village, Auchterarder, Perthshire PH3 1SH

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Dear Sirs,

I am writing to object to the application by 7X Balmoral Court, Gleneagles Village, Auchterarder, PH3 1SH to let out their property on a short term basis.

7X Balmoral Court is in a quiet cul-de-sac and as a private resident I feel that it would not be appropriate for commercial activity to take place.

Regards,

Gary Brass

*Gary M Brass
4X Balmoral Court
Gleneagles Village
Auchterarder
Perthshire
PH3 1SH*

[REDACTED]

Civic Licensing

From: [REDACTED]
Sent: 12 October 2023 21:58
To: CDS STL
Subject: Letter of Objection to Short Term lets at Balmoral Court
Attachments: Letter of objection to short term letting licenses Oct 8 2023.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.

Dear Council Members

Please see the attached Letter of Objection regarding the granting of short term let licenses to [REDACTED]
[REDACTED]

Your sincerely

James Jardine
2A Balmoral Court

Perth and Kinross Council
Legal Services
Licensing Department
Pullar House
35 Kinnoull Street
Perth, PH15GD

October 8, 2023

Re: [REDACTED]

Dear Council Members

As agent for the Alexandra James Trust, which owns the property at 2A Balmoral Court, Gleneagles Village, Perthshire, PH31SH, I hereby lodge an objection to the granting of a short term let license to [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Re: License #PK 12233P, ID #515 (7X Balmoral Court)

I am also aware of the fact that the property known as 7X Balmoral Court is also being used for the purpose of short-term lets. This is a newer undertaking and while it is at the other end of the development from my residence, I am aware of the increased traffic as a result of the number of people and vehicles now entering the development. I hereby also lodge an objection to the granting of a short term let license for this property, (7X Balmoral Court), on the grounds that we may see the same sort of behaviour that we have seen at [REDACTED] repeat itself at 7X Balmoral Court.

Yours Sincerely,

[REDACTED]

Acting as Agent for and on behalf of
The Trustee (Ocorian Services (Bermuda) Ltd.) for
The Alexandra James Trust

[REDACTED]

Damian Resnik
Managing Director
Ocorian Services (Bermuda) Limited
Trustee of The Alexander James Trust
31 Victoria Street
Hamilton HM GX
Bermuda
Tel #: [REDACTED]
e-mail: [REDACTED]

Civic Licensing

From: Peggie Smith <[REDACTED]>
Sent: 10 October 2023 10:18
To: CDS STL
Subject: Application for short term rent 7x Balmoral Court Gleneagles

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 wish to stress my objection to a license being granted for short term rental at 7x Balmoral Court .
Balmoral Court is a small private courtyard with 13 properties opposite the Gleneagles Hotel.
Part of our conditions of ownership there is a clause stating that properties cannot be used for commercial activities.
That beside the disruption to residents with short term renters Stag parties etc. strangers encroaching adjoining properties gardens and peering in windows is causing considerable stress to many.
I sincerely hope that our genuine concerns will be considered by the committee.
Many thanks

Margaret P Smith
5a Balmoral Court
Gleneagles Village
Perthshire PH3 1SH

Email: [REDACTED]

Citations

entations about

be in writing

specify the

Sent from my iPhone

PERTH AND KINROSS COUNCIL – LICENSING COMMITTEE
12 MARCH 2024
REPORT BY STRATEGIC LEAD – LEGAL AND GOVERNANCE

TYPE OF APPLICATION	Grant of a Short-Term Let Licence
APPLICANT(S)	Elizabeth Adam and Keith Adam Provisional Licence Number: PK11208P
PREMISES (if applicable)	Blairadam House, Blairadam, Kelty, Perth And Kinross, KY4 0JF
THE APPLICATION	<p>Elizabeth Adam and Keith Adam, 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 and PKC Planning Department have stated they have no objections to this application.</p> <p>Scottish Fire and Rescue Services object to the granting of this application.</p> <p>The short-term let property is a self-contained flat adjoining the main dwellinghouse. The Application is for that of a 'home sharing' short-term let licence.</p> <p>The short-term let premises has one bedroom, zero additional rooms where guests can sleep, and the Applicants have 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");

	<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>
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<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
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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.



Scottish Fire and Rescue Service
Perth, Kinross, Angus and Dundee
Blackness Road, Dundee
DD1 5PA
firescotland.gov.uk

FAO D.G. Gilkison

Licensing Department – Short Term Lets
Corporate and Legal Services
Perth & Kinross Council
2 High Street
Perth
PH1 5PH

Direct Line

Fax

E-mail

Our Ref

Your Ref

If phoning or

calling ask for

Date

Paul Curran,
Fire Safety Enforcement Officer
22 February 2024

Dear Sir/Madam,

FIRE (SCOTLAND) ACT 2005: PART 3

THE FIRE SAFETY (SCOTLAND) REGULATIONS 2006

SHORT TERM LET (STL) LICENCE APPLICATION

ADDRESS OF PREMISES: Blairadam House, Blairadam ,Kelty, Perth And Kinross, KY4 0JF

DUTYHOLDER/LICENCEE: Keith Adam

Following a fire safety audit of the above-mentioned premises carried out on **20th February 2024** by Paul Curran, the existing fire safety arrangements, as audited on that date, **were not considered appropriate for the risk.**

1 – No Fire Risk Assessment has been completed for the premises. Checklist has been completed stating there is a Fire Risk Assessment for the premises.

2 – No Emergency Lighting to ensure safe evacuation from the premises. (Premise is some considerable distance from the roadway with no borrowed lighting in the event of a power failure due to fire.)

3 – Recently fitted Grade F1 fire alarms within letting accommodation not relevant to safely evacuate guests. Alarm required is:

(Mains operated automatic fire detection with battery/capacitor back up complying with British Standard 5839 - Part 6 current edition Category LD1, Grade D1 should be provided and sited as follows:

Mains operated alarm to be interlinked with existing adjoining property. Alarms must interlink and activate with existing premises.)

Based on the outcome of the fire safety audit, the Scottish Fire and Rescue Service are **unable to support the granting of a STL licence** at this time. This will remain the case until actions are taken to reduce the risk to an acceptable level.

The Scottish Fire and Rescue Service acknowledge that the granting/renewal of a licence under Civic Government (Scotland) Act 1982 (Licensing of Short Term lets) Order 2022 is a matter for the relevant Local Authority STL Licensing Department.

Should you require further information or clarification in relation to this letter, please do not hesitate to contact the above named officer at the following address **Scottish Fire and Rescue Service, Service Delivery Area North, Macalpine Road DD3 8SA.**

Yours faithfully



pp
Jason Sharp
Local Senior Officer

PERTH AND KINROSS COUNCIL – LICENSING COMMITTEE
12 MARCH 2024
REPORT BY STRATEGIC LEAD – LEGAL AND GOVERNANCE

TYPE OF APPLICATION	Grant of a Short-Term Let Licence
APPLICANT(S)	Mr James Porteous and Dr Zoe Porteous Provisional Licence Number: n/a
PREMISES (if applicable)	Coorie In, 17 Strathtay Lodges, Aberfeldy, Perth And Kinross, PH15 2EZ
THE APPLICATION	<p>Mr James Porteous and Dr Zoe Porteous joint Applicants, have applied for a three-year short-term let licence as new hosts (not operating prior to 1 October 2022).</p> <p>The Application has been validated by Licensing Officers and was sent out for consultation. Police Scotland, Scottish Fire and Rescue Services, and PKC Planning Department have stated they have no objections to this application.</p> <p>Applicants' property is a detached house. The Application is for that of a 'secondary letting' short-term let licence.</p> <p>The property has three bedrooms, and the Applicant(s) 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>
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<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
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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: Anna MacKenzie [REDACTED]
Sent: 08 November 2023 17:50
To: CDS STL
Subject: Strong objection to short term let licence application submitted for 'Coorie In' 17 Strathtay Lodges Aberfeldy PH15 2EZ

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,

This is to inform you that we have a major concern regarding lodges located at 'Strathtay Lodges' in Aberfeldy if they were granted a licence to operate as short term holiday lets.

Most of all and specifically 'Coorie In' 17 Strathtay Lodges, Aberfeldy PH15 2EZ (ID 1689)

At this point, I should probably add that there has been no public notice displayed by the owners to be clearly viewed by the public and especially those most affected by these premises i.e us - the direct neighbours. We have discovered this application has been made by searching the PKC StI licence public register online.

The lodges in question are located right next to our home at 'Tomchaldon', Aberfeldy Distillery PH15 2EB with 'Coorie In' 17 being positioned right on our doorstep.

We have previously already raised major concern with the planning department when these have started to be erected. The developer has raised the ground so much that these lodges have been built on ground above the level of our garden wall all pointing at our garden.

'Coorie In' 17 is closest to our boundary and is facing and looking over at absolutely nothing but our garden!? That is their view from the terrace, just our private space...

Due to how squeezed together these 3 lodges have been to put them on the small area of land available in that space, the raised level of ground and the ridiculous proximity to our space we have a great concern already and now even more so if 'Coorie In' 17 would be allowed to become holiday let.

The way it is now, there is absolutely zero privacy left for us. Or them..

When I open our front door I can look directly into this lodge and vice versa (see photo attached). The noise has already become a problem as there have been different groups staying in this lodge since the beginning of summer already. Perhaps rented out illegally under the current stI regulations?

We have a huge concern for security and safety as there's absolutely no fence of any kind even though the lodge has been built on a raised ground level which is above our garden wall.

We already had people taking shortcuts through the distillery grounds and scrambling and falling over up the hill to get to the other lodges further up the hill.

When I first discovered these (and especially the one closest to us) were being planned to be squeezed on the bit of land right next to us, I have contacted the architect raising my concern. He has assured me at the time that 'Suitable boundary treatments will be put in place to screen the lodges from view' (see photo attached).

There has been absolutely NO attempt to adhere to this.

This whole development has no adequate means to enter or exit the site on foot. The makeshift entrance is accessible only by car straight from the main road with no adequate pavements of any sort for people to walk on. Does this mean residents and guests from 'Coorie In' 17 and others wanting to walk into town will be simply hopping over and taking shortcuts through our garden and through the distillery grounds?

When the weather is warm, we spend a lot of time in our garden with our family, friends and their children. We have already had to dismantle one of our favourite sitting areas as it's now overlooking nothing but this building site with the lodges pointing directly at us. The other sitting area closer to the boundary is directly affected by 'Coorie In' 17 with its floor to ceiling windows on the terrace and on the side of the lodge looking directly at us. We do not need to hear their conversations and certainly don't want them to hear ours but due to the proximity of this lodge it's nearly impossible not to. We have a right to privacy and it has all been taken away from us!

We certainly and categorically do not wish for all sort of strangers arriving at all times of day and night, having parties, disturbing us with their noise and being a general nuisance. This is what these kinds of holiday lets attract. To be frank, it's actually beyond belief who would actually pay money to stay in a lodge like this anyway as they wouldn't have any privacy either.. but that's not really our concern.

I have actually spoken briefly to the owner and she seemed almost surprised at the proximity of the lodge to our space and the fact there's absolutely zero boundary saying 'there are a lot of issues with the lodge'. Did they even see it prior to purchase? Or was this bought purely to create a holiday let without any regards to anyone or anything?

I find it incredibly unbelievable this development has been allowed to happen in the first place. The whole Aberfeldy and Strathtay community has been against it from the start as it goes against what the valley stands for and its natural beauty. And that's the REAL Strathtay which is across on the other side of the valley. Not this 'Strathtay' which was changed from 'Mews of Drumcroy' for whatever reason. The locals have been paying attention from the beginning and have noticed how this whole development has grown arms and legs and is now becoming a whole Airbnb/Booking.com village!

With us being affected most of all and for all the reasons as stated.

This whole development has been implemented without any thought to practicality or safety regarding how these people are actually supposed to walk into town. Unless of course they are to take a shortcut through the distillery grounds... The worst is that's it's not even finished yet with the terraced flats at the bottom just getting completed. How many holiday lets will be in there?? I actually had a planning officer here last December who has admitted that 'Oh yes, these are very much in your face'...

It might not be a bad idea for an STL officer to visit to actually see what is going on here. I am more than happy to speak to anyone who would like to come over to investigate and hopefully help in this situation.

Please see photos for reference although as photos go, they do not do justice to reality and as to how close to us these are and in particular the lodge we are strongly objecting from being granted a holiday let licence.

Kind regards,
Anna and John MacKenzie

From our doorstep:



From where we used to have a sitting area:



Surrounded by holiday lodges:



'Coorie In'17 from our garden:



Screenshot of messages from the architect:



Sent from my iPhone

Civic Licensing

From: Anna MacKenzie [REDACTED]
Sent: 09 November 2023 17:00
To: CDS STL
Subject: Re: Strong objection to short term let licence application submitted for 'Coorie In'
17 Strathtay Lodges Aberfeldy PH15 2EZ

Good afternoon Karen,
Thank you for your reply.
I will send them in 2 emails, perhaps they were too big to forward in 1.
Please let me know if you get them ok.
Thank you,
Anna
From our doorway



From our old sitting space:



Surrounded by holiday lets:



Sent from my iPhone

On 9 Nov 2023, at 16:53, CDS STL <STL@pkc.gov.uk> wrote:

Good afternoon,

Thank you for your emails. The images were not viewable. Can you please resubmit the images so that we may attach them to your initiating email objection.

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 \(pkc.gov.uk\)](https://pkc.gov.uk/short-term-lets)

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.

From: Anna MacKenzie [REDACTED]

Sent: Wednesday, November 8, 2023 6:15 PM

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

Subject: Strong objection to short term let licence application submitted for 'Coorie In' 17 Strathtay Lodges Aberfeldy PH15 2EZ

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.

Hello,

Just looked through my 'Sent' emails and I am not sure if the attached photos went through...

Please see the relevant below.

Anna MacKenzie
[REDACTED]





Sent from my iPhone

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General enquiries to Perth & Kinross Council should be made to enquiries@pkc.gov.uk or 01738 475000.

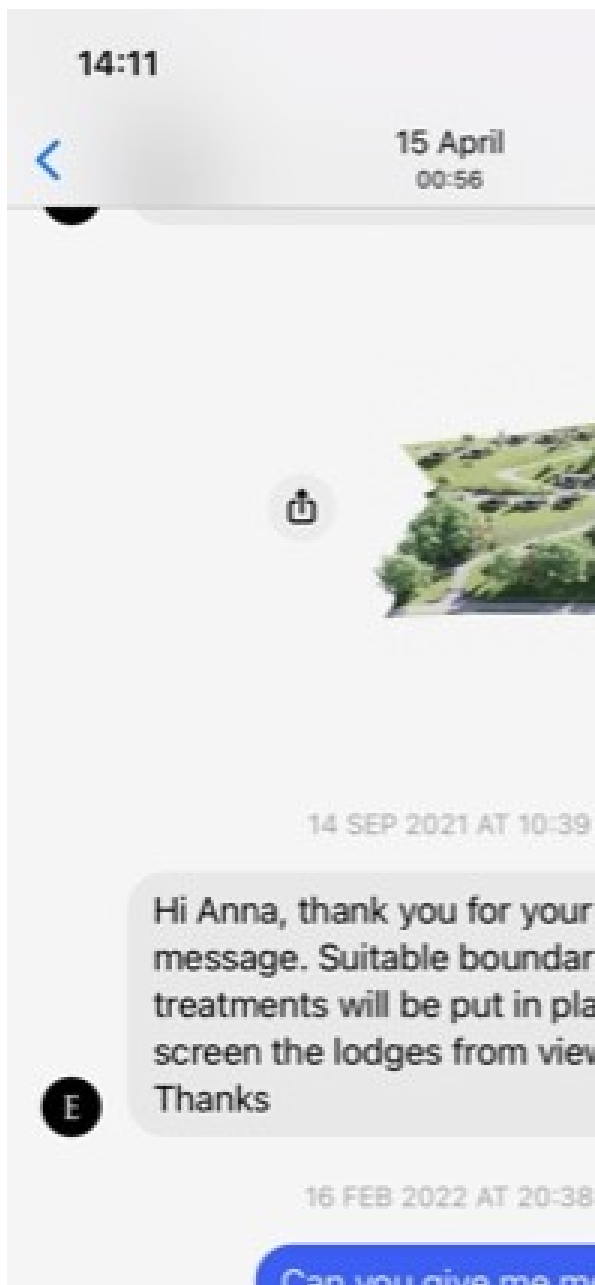
Civic Licensing

From: Anna MacKenzie <[REDACTED]>
Sent: 09 November 2023 17:03
To: CDS STL
Subject: Re: Strong objection to short term let licence application submitted for 'Coorie In'
17 Strathtay Lodges Aberfeldy PH15 2EZ

'Coorie In'17 right beside our boundary on raised level sitting above our ground level:



Screenshot of conversation with the architect:



Sent from my iPhone

On 9 Nov 2023, at 16:59, Anna MacKenzie [REDACTED] wrote:

Good afternoon Karen,
Thank you for your reply.
I will send them in 2 emails, perhaps they were too big to forward in 1.
Please let me know if you get them ok.
Thank you,
Anna
From our doorway
<image2.jpeg>

From our old sitting space:
<image3.jpeg>

Surrounded by holiday lets:

<image5.jpeg>

Sent from my iPhone

On 9 Nov 2023, at 16:53, CDS STL <STL@pkc.gov.uk> wrote:

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Kind regards,
Karen

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Licensing Enforcement Officer

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Sent: Wednesday, November 8, 2023 6:15 PM

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

Subject: Strong objection to short term let licence application submitted for 'Coorie In' 17 Strathtay Lodges Aberfeldy PH15 2EZ

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Please see the relevant below.

Anna MacKenzie

07766731633



Sent from my iPhone

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PERTH AND KINROSS COUNCIL – LICENSING COMMITTEE
12 MARCH 2024
REPORT BY STRATEGIC LEAD – LEGAL AND GOVERNANCE

TYPE OF APPLICATION	Grant of a Short-Term Let Licence
APPLICANT(S)	Anja Lumsden and Richard Lumsden Provisional Licence Number: PK11906P
PREMISES (if applicable)	Struan House, Flat 2, 38 Bonnethill Road, Pitlochry, Perth And Kinross, PH16 5BS
THE APPLICATION	<p>Mr and Mrs Lumsden, 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 self-contained flat. The Application is for that of a 'secondary letting' short-term let licence.</p> <p>The property has one bedroom, as well as one other room where guests can sleep, and the Applicants have 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>
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<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
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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),

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- (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),

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“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: Margaret McLaren [REDACTED]
Sent: 02 October 2023 20:19
To: CDS STL
Subject: Objection to airbandb

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.

Application no 9 on the application notice

Name Anja Lumsden

19 Beaufort crescent ,Leuchars

Ky16 OJY

TO WHOM THIS MAY CONCERN

I want to lodge an objection to the short term letting of

FLAT2 38 Bonnethill Road Pitlochry

I own and live in FLAT1 of the same address which my niece uses when I am not there We have 4 flats in the same building 3 of which are now being let as AIRBANDB as well as being noisy with holiday makers keeping unsociable hours the flat is no longer secure As we have no idea who is entering or exiting the premises There is also no sense of community.

We also have a very large hotel next door and across the road is another large house to also be let as holiday accommodation Margaret McLaren (owner) Sent from my iPad.

PERTH AND KINROSS COUNCIL – LICENSING COMMITTEE
12 MARCH 2024
REPORT BY STRATEGIC LEAD – LEGAL AND GOVERNANCE

TYPE OF APPLICATION	Grant of a Short-Term Let Licence
APPLICANT(S)	Kirsten Boyd and Ruairidh Boyd Provisional Licence Number: PK12090P
PREMISES (if applicable)	4 Mitchell Square, Blairgowrie, Perth And Kinross, PH10 6HR
THE APPLICATION	<p>Kirsten Boyd and Ruairidh Boyd, 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 two bedrooms, and the Applicant(s) 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); • compliance/ability to comply with any additional conditions that the Council might attach to the licence (either specific to

	<p>the accommodation, or specific to short-term lets in Perth and Kinross); and</p> <ul style="list-style-type: none"> 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>
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<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
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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.

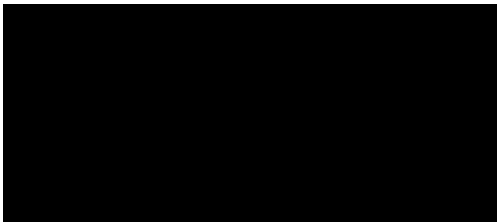
Representation about Short-Term Lets licence
application for 4 Mitchell Square
Blairgowrie PH10 6HR by Mrs Kirsten Boyd

The grounds of objection to this licence application are as follows:

- 1) Shortage of smaller properties at lower end of the housing market reduces opportunity for young people to buy a home. By becoming a Short-Term Let means this has removed a dwelling house (4 Mitchell Sq.) from supply.
- 2) Existing residents/neighbours had no say when this property became a Short Term Let a few years ago. (Now that I have a say, I'm objecting)
- 3) This property was only revealed to be a Short-Term Let when other neighbours reported disturbance at 4 Mitchell Square,
- 4) We never know who is living at 4 Mitchell Square from one day to the next,
- 5) Our close knit community in this part of Blairgowrie will be hollowed out (as in other parts of Scotland) if Short-Term Lets are

allowed to continue to proliferate in
our older part of town.

FROM :
Jois Hunter
Iris Bank
Mitchell Square
Blairgowrie
Perthshire
PH10 6HR



22 October 2023

Licencing Dept.
LEGAL SERVICES
Pollar House
35 Kinnoull Street
Perth
PH1 5GD

Royal Mail supporting

Mail Centre
02161 05021



