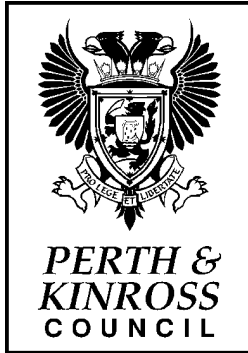


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Council Building  
2 High Street  
Perth  
PH1 5PH

23/01/2024

A special hybrid meeting of the **Licensing Committee** will be held in **the Council Chamber** on **Tuesday, 30 January 2024** at **09:30**.

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

**THOMAS GLEN**  
Chief Executive

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

***Please note that the meeting will be broadcast online and recorded.***

**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, 30 January 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 - NEW OPERATION - 5 - 20  
5 CRAIGOWER CRESCENT, PITLOCHRY**  
Report by Strategic Lead - Legal and Governance (copy herewith 24/34)
- 4 GRANT OF A SHORT TERM LET LICENCE - NEW OPERATION - 21 - 38  
8 CRAIGOWER CRESCENT, PITLOCHRY**  
Report by Strategic Lead - Legal and Governance (copy herewith 24/35)
- 5 REVIEW OF CIVIC LICENSING FEES 39 - 46**  
Report by Strategic Lead - Legal and Governance (copy herewith 24/36)

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

- P1 SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER LICENCE - TD1258**
- Exempt Reason 14 - Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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

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

All Council Services can offer a telephone translation facility.



**PERTH AND KINROSS COUNCIL – LICENSING COMMITTEE**  
**30 January 2024**  
**REPORT BY STRATEGIC LEAD – LEGAL AND GOVERNANCE**

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

the accommodation, or specific to short-term lets in Perth and Kinross); and

- the suitability of the premises in the context of Perth and Kinross Council's policies.

The Council may vary the terms of a licence on any grounds they think fit and can do this at any time. This can be done following an application made to the Council by the licence holder on their own initiative. This could include adding further conditions to the licence. The Council will consult with the statutory consultees and any other parties it considers appropriate.

### **Conditions attached to a Short-term Let Licence**

#### **Mandatory Conditions**

Any Licence will be subject to Conditions. Under the 2022 Order, there are certain conditions which the Council must attach to a short-term let licence, irrespective of the type of short-term let granted, whether it is Secondary Letting, Home Letting, Home Sharing or Home Letting and Home Sharing. These are known as "mandatory conditions" and are detailed at Annex A.

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

All applicants should ensure, prior to applying for a short-term let licence of any type that they are able to comply with the mandatory conditions attached to a licence. Applicants should also note that in term of listing their premises as a licensed short-term let, as required under mandatory condition 14, the listing must include the licence number provided by the Council and the valid energy performance certificate rating) if an Energy Performance Certificate is required for the premises, in accordance with the Energy Performance of Buildings (Scotland) Regulations 2008.

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



## **Annex A – Mandatory Conditions**

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

### **Agents**

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

### **Type of licence**

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

### **Fire safety**

3. The holder of the licence must ensure the premises has satisfactory equipment installed for detecting, and for giving warning of –
  - (a) fire or suspected fire, and
  - (b) the presence of carbon monoxide in a concentration that is hazardous to health.
4. The holder of the licence must keep records showing that all upholstered furnishings and mattresses within the parts of the premises which are for guest use, or to which the guests are otherwise permitted to have access, comply with the Furniture and Furnishings (Fire Safety) Regulations 1988(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<sup>(5)</sup>.

(2) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises is consistent with the terms of the short-term let licence.

### **Insurance**

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

### **Payment of fees**

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

### **False or misleading information**

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

### **Interpretation**

18. In this schedule -

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## Civic Licensing

---

**From:** sandra cameron [REDACTED]  
**Sent:** 18 September 2023 21:53  
**To:** CDS STL  
**Subject:** Objection to proposed short term let at 5 Craigower Crescent, Pitlochry, PH16 5HS

**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.**

To whom it may concern

**Re Short term let application for 5 Craigower Crescent, Pitlochry, PH16 5HS**

We would like to give notice of our objection to the short term let application for the address above due to the following reasons:

We have lived in our house for over 28 years and when we moved in it was a quiet, residential area which was a main attraction for us. We have had a family and enjoyed the peaceful neighbourhood throughout the years. We were not informed by the owner that he was going to host short term let guests, in what was, his parents' house.

The owner and his wife, the manager to be of the business, do not live in this country. They reside permanently in Spain. We do not have any contact information for them if there is any issue with future guests.

The house across the road from this house has been operating as a short term let since last October but the owner is only now applying for their short term let licence. Having 2 residential homes, in such close proximity to each other and our home, being turned into short term lets is causing us a great deal of worry and stress.

There is a driveway at No 5 that can accommodate one car but as we have seen across the road, some guests arrive in more than one vehicle.

The influx of new cars that this may bring to the crescent is a danger to the numerous young children that play round the crescent. We already have cars of all sizes visiting the short term let across the road and the vets practice nearby and more parked cars exacerbate the issue of safety for the children that are cycling and running about to and from the nearby playpark. The park has been very well used this summer and continues to be by the local primary aged children and it is worrying to watch as they play with the increase of so many cars that we feel there is an accident waiting to happen.

We have seen cars parked on the pavement which also poses a danger to pedestrians as there are elderly residents along with young families.

We already hear the guests coming and going from across the road at all hours without concern for those who live here. We have also been informed by another neighbour of cannabis being used by guests at the other property.

We are concerned that the house may be used by Stag and Hen parties.

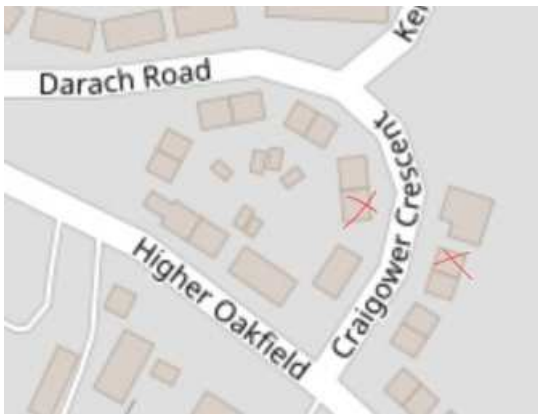
We feel that they don't live in the town and therefore have no regard for other residents.

Pitlochry has a very high ratio of short term lets to residential properties and there is such a concern that there has been a public consultation already. We do not feel that there is any need for there to be any more. We chose to live away from the busy areas of town and do not want to feel worried by people coming and going without any regard for the community.

Please see below the map of Craigower Crescent. I have marked the two houses that are applying for short term let licences so that you can see how close they are to each other in a small neighbourhood of 11 houses. I have also attached a photo from Google Maps Street View of the houses.

Thank you

Mr Paul Cameron and Mrs Sandra Cameron,  
7 Craigower Crescent  
Pitlochry



Sent from [Mail](#) for Windows



## Civic Licensing

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**From:** john hayes [REDACTED]  
**Sent:** 15 September 2023 19:00  
**To:** CDS STL  
**Subject:** Representation ref short term let 5 Craigower Crescent Pitlochry PH165HS  
**Attachments:** No 5.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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

Dear Sir/Madam,

Please find attachment regarding our objection to the STL application for 5 Craigower Crescent Pitlochry.

Should you require any further information or clarification, please don't hesitate to ask.

Many thanks and kind regards,

John Hayes  
10 Craigower Crescent, Pitlochry  
[REDACTED]

To Whom it may concern,

In response to the short term let planning application for 5 Craigower Crescent, Pitlochry PH165HS, I wish to object to the granting of this licence for the reasons I hope to make obvious below. My name is John Hayes of 10 Craigower Crescent, Pitlochry PH165HS and I represent all who reside here.

In the first instance, I wish to question the validity of the application. Both the Applicant address and the Day to Day manager/Agent address are both listed as the premises to be let? My understanding is that both should list the primary residences of these people if different. The Seaton's are non-domiciled in the UK and their primary address of residence is in Spain therefore I'm quite confused as I can't imagine they will reside at No 5 Craigower Crescent while they are letting the premises? Please advise.

We ALREADY have a short term let operating in the adjoining property next door to us and No 5 Craigower is IMMEDIATELY opposite us. The term under siege comes to mind. In a previous letter that we have sent you, we detailed the inconveniences of having such an enterprise on our doorstep, constant requests for assistance, cigarette butts over the wall, cannabis smoke, guests arguing, unvetted strangers every two days etc. To have it once is punitive, to have it twice is downright draconian.

It is critical that you understand that this is a 1950's-built crescent of council houses, we have one narrow street with eleven houses. Vehicle ownership was sporadic back when it was designed and certainly not prolific among council estates. It is simply not designed for the traffic it currently gets. Our street demographic today has elderly and infirm residents and we at number 10 have three young children. Our road is the Southern access point for the second biggest kids' playpark in our town, colloquially known as the "Ambi" park as the ambulance station used to be based here. The Ambulance station has now been replaced with the Veterinary Surgery, an essential local service given the rural location of where we live but this already draws risk for all. Emergency services for working animals and livestock bring 4x4's through daily – and at pace. It is already a slalom with the long-term residents parking their vehicles on the street but consider that recreational short term lets tend to bring multiple vehicles to a site with families wanting to meet up due to the very nature of a holiday, we already have this happening next door and to grant this licence will only bring more traffic and greater risk to all.

Ingress and egress to my property is already a nightmare. A very typical example can be seen in the below pictures I've taken, all in the last 15 minutes while I've been typing this letter. Firstly on the left we have some visitors for No 5 (the blue car on the left is the cleaner's car for the short term let next door at No 8, note the vacant driveway) and secondly, on the right we have a delivery for No 5.



The owners of No 5 do not use their driveway for parking, preferring the street - fair enough, but since their arrival back to the UK this summer to renovate their house for letting I frequently need to ask tradesmen, family and visitors to No 5 if they can move their vehicles so I can exit my driveway or so I can access my driveway to keep one less vehicle on the street. I'm tired of being asked "are you going anywhere for the next while?" Maybe I am, maybe I'm not, but I'd sure prefer not to have to ask for permission.



Why would you add to this? The kids simply cannot play on the street.

The bigger picture:

Who benefits?

Not I, but more importantly, not my community. It's well documented that Pitlochry is overserved with short term lets (proportionally far more than even Edinburgh). AirBnB is not a holiday company, it is an extraction industry that mines the established communities of this country. A very short walk in any direction here and you can easily spot its impact, bricked or gravelled low maintenance gardens devoid of any children's toys and the tell-tale key box on the door frame. A great current example is that my barber has been evicted to the benefit of yet another absentee landlord who has seen a crowded marketplace and declared "Me Too". Four times annual rent can easily be achieved here, local services ARE being affected. There's not a shop or hostelry in town that does not have a sign in the

window that says, “Staff wanted – Top rates paid” On the face of it, this looks great, but all of these costs are passed on. Prices have gone so high from the tourist dollar that locals cannot afford to use some local services. Waiting staff and hotel staff are now bussed in from Dundee, Perth and Stirling owing to a complete lack of housing stock due to short term lets. AirBnB whole property listings per 100 properties (2022) - 36 listings from 100 properties, we have the highest concentration in the UK already. Pitlochry at the last census had a population of 2880, this community is at breaking point due to this phenomenon. The granting of more licences is not the answer!

Poor planning choices obviously leave a disastrous legacy, local long-term housing stock is already just a memory. There is no new build in Pitlochry and anything that has been built in the past few years has been a sporadic 4 or 8 plots, incapable of even scratching at the demand and none of it has been remotely affordable. A look in any of the 3 estate agents windows in our town fills me with dread. My children will never be able to afford to live where they grow up or at least it becomes far more unlikely with each short time let licence granted. Please consider that where we live is the (relatively) more affordable part of our town where properties do churn and people historically begin their first step on the property ladder .... EXACTLY as both the landlords applying for these licences on our street did. If granted, these licences remove two vital steppingstones from our community and turn them to commercial assets, to all intents and purposes, a re-zoning.

In all of this, the part I find completely odd is that we have never been approached by any applicant for our experiences or opinions on living next to a short term let, what works, what doesn't, how could things be better and more harmonious?? I understand that there is no obligation on an applicant to do so but I would consider this not just a courtesy that costs nothing but basic due diligence for a business venture, if only to mitigate for any objections such as this. With this somewhat lack of consideration for the residents and the applicant being resident abroad, I really struggle to find confidence that when issues arise, they will be dealt with in a timely and satisfactory manner should this licence be granted.

Many thanks for taking the time to read this,

Kind regards,  
John, Joan, Eva, Orla, Flora

**PERTH AND KINROSS COUNCIL – LICENSING COMMITTEE**  
**30 January 2024**  
**REPORT BY STRATEGIC LEAD – LEGAL AND GOVERNANCE**

<b>TYPE OF APPLICATION</b>	<b>Grant of a Short-Term Let Licence</b>
<b>APPLICANT(S)</b>	<b>Florina Inceu</b> <b>Provisional Licence Number: None – New Operation</b>
<b>PREMISES (if applicable)</b>	<b>8 Craigower Crescent, Pitlochry, Perth And Kinross, PH16 5HS</b>
<b>THE APPLICATION</b>	<p>Florina Inceu, the sole Applicant, has applied for a three-year short-term let licence as a new host (not operating prior to 1 October 2022).</p> <p>The Application has been validated by Licensing Officers and was sent out for consultation. Police Scotland, Scottish Fire and Rescue Services, and PKC Planning Department have stated they have no objections to this application.</p> <p>The Applicant's property is a semi-detached house. The Application is for that of a 'secondary letting' short-term let licence.</p> <p>The property has two bedrooms for guests to sleep, and the Applicant has applied for a maximum capacity of 4 guests.</p> <p><u>Two</u> letters of objection have been received with regards to this Application (see attached letters of objection).</p>
<b>RELEVANT LICENSING POLICIES</b>	<p>The Council's Short Term Let Policy was approved by the Licensing Committee on 22 September 2022.</p> <p>The Council's Short-Term Lets Policy focuses on ensuring that an efficient, effective and proportionate licensing scheme is in place, which is customised to the needs and circumstances of the Council's local area and supports applicants who wish to obtain a short-term let licence.</p> <p>The aims of the licensing scheme are:</p> <ul style="list-style-type: none"> <li>• to ensure all short-term lets are safe;</li> <li>• to facilitate licensing authorities in knowing and understanding what is happening in their area; and</li> <li>• to assist with handling complaints and address issues faced by neighbours effectively.</li> </ul> <p>In assessing an application for a short-term lets licence, the Council will consider:</p> <ul style="list-style-type: none"> <li>• the suitability of the person applying and that of the other people named on the application form (whether they are "fit and proper");</li> <li>• compliance/ability to comply with mandatory conditions (applicable to all short-term lets across Scotland) (copy attached);</li> <li>• compliance/ability to comply with any additional conditions that the Council might attach to the licence (either specific to</li> </ul>

the accommodation, or specific to short-term lets in Perth and Kinross); and

- the suitability of the premises in the context of Perth and Kinross Council's policies.

The Council may vary the terms of a licence on any grounds they think fit and can do this at any time. This can be done following an application made to the Council by the licence holder on their own initiative. This could include adding further conditions to the licence. The Council will consult with the statutory consultees and any other parties it considers appropriate.

### **Conditions attached to a Short-term Let Licence**

#### **Mandatory Conditions**

Any Licence will be subject to Conditions. Under the 2022 Order, there are certain conditions which the Council must attach to a short-term let licence, irrespective of the type of short-term let granted, whether it is Secondary Letting, Home Letting, Home Sharing or Home Letting and Home Sharing. These are known as "mandatory conditions" and are detailed at Annex A.

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

All applicants should ensure, prior to applying for a short-term let licence of any type that they are able to comply with the mandatory conditions attached to a licence. Applicants should also note that in term of listing their premises as a licensed short-term let, as required under mandatory condition 14, the listing must include the licence number provided by the Council and the valid energy performance certificate rating) if an Energy Performance Certificate is required for the premises, in accordance with the Energy Performance of Buildings (Scotland) Regulations 2008.

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



## **Annex A – Mandatory Conditions**

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

### **Agents**

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

### **Type of licence**

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

### **Fire safety**

3. The holder of the licence must ensure the premises has satisfactory equipment installed for detecting, and for giving warning of –
  - (a) fire or suspected fire, and
  - (b) the presence of carbon monoxide in a concentration that is hazardous to health.
4. The holder of the licence must keep records showing that all upholstered furnishings and mattresses within the parts of the premises which are for guest use, or to which the guests are otherwise permitted to have access, comply with the Furniture and Furnishings (Fire Safety) Regulations 1988(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<sup>(5)</sup>.

(2) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises is consistent with the terms of the short-term let licence.

### **Insurance**

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

### **Payment of fees**

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

### **False or misleading information**

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

### **Interpretation**

18. In this schedule -

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## Civic Licensing

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**From:** sandra cameron [REDACTED]  
**Sent:** 12 September 2023 19:48  
**To:** CDS STL  
**Subject:** Objection to proposed short term let at 8 Craigower Crescent, Pitlochry, PH16 5HS

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

To whom it may concern

**Re Short term let application for 8 Craigower Crescent, Pitlochry, PH16 5HS**

We would like to give notice of our objection to the short term let application for the address above due to the following reasons:

We have lived in our house for over 28 years and when we moved in it was a quiet, residential area which was a main attraction for us. We have had a family and enjoyed the peaceful neighbourhood throughout the years. We were not informed by the owner that she was leaving and starting to host Airbnb guests. It was after a couple of weeks that we realised that there was a lot of new cars and activity at No 8.

The influx of new cars that this has brought to the crescent is a danger to the numerous young children that play round the crescent. We already have cars of all sizes visiting the vets practice nearby and more parked cars exacerbate the issue of safety for the children that are cycling and running about to and from the nearby playpark. The park has been very well used this summer by the local primary aged children and it is worrying to watch as they play with the increase of so many cars that we feel there is an accident waiting to happen.

We have seen cars parked on the pavement which also poses a danger to pedestrians as there are elderly residents along with young families.

We hear the guests coming and going at all hours without concern for those who live here. We have also been informed by another neighbour of cannabis being used by guests.

We are concerned that the house may be used by Stag and Hen parties.

We do not have any contact details for the owner to inform her with any issues as she has never offered them. We feel that she doesn't live in the town and therefore has no regard for other residents.

Pitlochry has a very high ratio of short term lets to residential properties and there is such a concern that there has been a public consultation already. We do not feel that there is any need for there to be any more. We chose to live away from the busy areas of town and do not want to feel worried by people coming and going without any regard for the community.

Thank you

Mr Paul Cameron and Mrs Sandra Cameron,  
7 Craigower Crescent  
Pitlochry  
PH16 5HS

Sent from [Mail](#) for Windows

Sent from [Mail](#) for Windows





## Civic Licensing

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**From:** john hayes [REDACTED]  
**Sent:** 25 September 2023 19:45  
**To:** CDS STL  
**Subject:** Re: Representation ref short term let 8 Craigower Crescent Pitlochry PH165HS  
**Attachments:** image001.jpg; To Whom it may concern No 8 Craigower.docx

Hi Karen,

Please see my letter attached, I have removed the photographs so hopefully it is now of a size that will be accepted by your email system.

If you require the photographs down the road, please don't hesitate to ask and I shall send them on separately.

Many thanks again,  
John Hayes

On Mon, 25 Sept 2023 at 16:26, CDS STL <[STL@pkc.gov.uk](mailto:STL@pkc.gov.uk)> wrote:

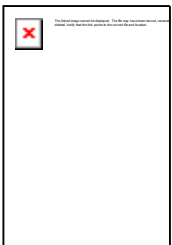
Dear Mr. Hayes,

Thank you for your email with attachments—can you please resend any pages beyond page 1 as the file does not appear to allow for the additional pages to be downloaded.

We have noted your comments and photographs regarding the Public Notice of Information posted at these premises and will be conducting further enquiries.

Kind regards,

Karen



**Karen Engelberts**

**Licensing Enforcement Officer**

Short Term Lets - Corporate and Legal Services

Perth & Kinross Council

2 High Street

Perth PH1 5PH

Telephone: 01738 475195

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

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

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

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**From:** john hayes [REDACTED]  
**Sent:** Sunday, September 24, 2023 3:07 PM  
**To:** CDS STL <[STL@pkc.gov.uk](mailto:STL@pkc.gov.uk)>  
**Subject:** Representation ref short term let 8 Craigower Crescent Pitlochry PH165HS

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

Dear Sir/Madam,

Please find attachment regarding our objection to the STL application for 8 Craigower Crescent Pitlochry. (I have three photographs included in the document so please let me know if you have any issue in viewing or downloading the attachment due to any maximum attachment size protocol with your email service)

Should you require any further information or clarification, please don't hesitate to ask.

Many thanks and kind regards,

John Hayes

10 Craigower Crescent, Pitlochry

[REDACTED]

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 [To Whom it may concern No 8 Craigower.docx](#)

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24/08/23

To Whom it may concern,

In response to the short term let planning application for 8 Craigower Crescent, Pitlochry PH165HS, I wish to object to the granting of this licence for the reasons I hope to make obvious below. My name is John Hayes of 10 Craigower Crescent, Pitlochry PH165HS and I represent all who reside here.

Firstly, I wish to make clear that I bear no animosity nor ill will to Miss Inceu, Florinia has been the most wonderful neighbour to have while she resided next door for the first two and a half years of us living here, furthermore, we have familial connections that go back 10 years since we first moved to Pitlochry. I wish her very well.

It came as some surprise to us that Miss Inceu had decided to let her property on AirBnB. As we recall, it was on a Thursday evening she announced she was leaving, and her first guests were arriving on that Saturday. Again, we hold no grudge with this, there was no obligation for her to inform us of her decision at the time however, we felt a great sense of trepidation, Stag and Hen parties we thought, but we were pleasantly surprised that, in the main, the guests were absolutely fine for the first few months but as with most things, time has a way of changing opinion.

We make no complaints about any recurring noise, we have three young girls, it would be hypocritical to do so. We have experienced some other concerns though.

The innocent nuisance - the doorbell goes most weeks "Can you tell us how the heating works? Can you tell me where the cutlery is? Where is the Post Office? How can I book tickets for the theatre? - Not really much of a complaint this.

Unvetted new neighbours every two days, this one really does concern us having three young kids. It's a 70 year old settled residential street and is certainly not best suited to high turnaround tourist accommodation.

And then other stuff tends to creep in, cigarette butts that have come our way over the back wall for our toddler to find. Tradesmen staying next door treating us to clouds of cannabis smoke. We recently had a domestic argument between guests that got so bad we considered calling the Police. And then there's the parking.....

It is critical that you understand that this is a 1950's crescent of council houses, we have one narrow street, ten houses. Vehicle ownership was sporadic back in the 50's and certainly not abundant among council estates. It is simply not designed for the traffic it gets. Our street's demographic today is mostly elderly, and we at number 10 buck that trend with our bunch of kids. Our road is the Southern access point for the second largest children's playpark in our town, colloquially known as the "Ambi" park as the ambulance station used be based here. The Ambulance station has now been replaced with the Veterinary Surgery, an essential local service given the rural location of where we live yet this already draws risk for all. Emergency care for working animals and livestock brings 4x4's through daily - at pace. It is already a slalom with the long-term residents parking their vehicles but consider that recreational short term lets tend to bring multiple vehicles to an address with families understandably wanting to meet up. A memorable event for me was last December, the snow was thick on the ground and my "new" one day old neighbour had blocked my drive. I

could not get my car out to take my kids to school, they arrive back at 4 pm and when I confront them to move their vehicle and they literally laugh at me and refuse to do so .... True, this type of thing is the exception but nonetheless it does happen. I acknowledge that Miss Inceu is stringent on insisting that the driveway is used but unfortunately, it is impossible to enforce, vans, bigger vehicles etc, cars are just parked everywhere. It's easy to say that they're not, but we live here. They are. The kids simply can't play on the street anymore.

The bigger picture:

Who benefits?

Not I, but more importantly, not my community. It's well documented that Pitlochry is overserved with short term lets (proportionally far more than even Edinburgh). A great current example is that my barber has been evicted to the benefit of yet another absentee landlord who as seen a crowded marketplace and declared "ME TOO", local services are being affected. There's not a shop or hostelry in town that does not have a sign in the window that says "Staff wanted – Top rates paid" Great eh? – No actually. These costs are all passed on and prices have gone so high from the tourist dollar that the locals cannot afford to use these local services. Waiting staff and hotel staff are now bussed in from Dundee and Stirling due to a complete lack of housing stock because of short term lets, there's even rumours of another AirB&B happening on our street?????

Pitlochry at the last census had a population of a mere 2880 people, this community is almost at breaking point due to this phenomenon. The granting of more short term let licences is not the answer.

In Conclusion –

I'm not the man ranting "not on my doorstep" ..... I've been that man on the doorstep for the last twelve months and the bad outweighs the good. I live here, others don't.

Many thanks for taking the time to read this

Many kind regards,

John, Joan, Eva, Orla & Flora Hayes



**Perth And Kinross Council**

**Licensing Committee**

**30 January 2024**

**REVIEW OF CIVIC LICENCE FEES**

**Report By Strategic Lead – Legal And Governance**  
(Report No. 24/36)

**1. PURPOSE**

- 1.1 This report recommends that the Committee approves an increase in fees as shown in Appendix 1 for licences issued under the Civic Government (Scotland) Act 1982. It is proposed that the revised fees detailed in Appendix 1 be adopted with effect from 1 April 2024.

**2. RECOMMENDATIONS**

- 2.1 It is recommended that the Licensing Committee:
- approves the increase in fees as shown in Appendix 1 for licences issued under the Civic Government (Scotland) Act 1982.

**3. STRUCTURE OF REPORT**

- 3.1 This report is structured over the following sections:
- Section 4: Background
  - Section 5: Proposals
  - Section 6: Conclusion

**4. BACKGROUND / MAIN ISSUES**

- 4.1 The Civic Government (Scotland) Act 1982 gives the Council power to set fees for individual licences in order to recover the cost of providing the civic licensing service. In setting the fees, the Council must ensure that the income received through fees meets the expenses incurred in exercising its functions under the Act.
- 4.2 Fees for licences issued under the 1982 Act were last reviewed in February 2020. The proposed change represents an inflationary increase of 4% which is consistent with the Council's medium term financial plan (report 23/267 refers) where the mid-range assumption for 24/25 is 4% for fees and charges.
- 4.3 This review has been undertaken in accordance with the recommendations of the Scrutiny Committee report Charging for Services (report 15/65 refers) and the revised Corporate Charging Policy of full cost recovery for providing a service.

## 5. PROPOSALS

- 5.1 It is proposed that a 4% increase in fees is made to all fees for licences under the 1982 Act listed in the Appendix. Fees have been unchanged for almost 4 years, so an uplift is necessary to ensure that the costs of operating the licensing system are fully recovered through fees.

## 6. CONCLUSION

- 6.1 The report proposes an increase in fees charged in terms of the Civic Government (Scotland) Act 1982 as set out in this report, to take effect from 1 April 2024.
- 6.2 The Committee is asked to approve the increase in fees charged as set out in Appendix 1.

### Author(s)

Name	Designation	Contact Details
Debra Gilkison	Licensing Manger	01738 475159

### Approved

Name	Designation	Date
Sarah Rodger	Legal Manager	05/01/2024

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

All Council Services can offer a telephone translation facility.



## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

### 1. Strategic Implications

#### Community Plan

1.1 Not applicable

#### Corporate Plan

1.2 The Council's Corporate Plan 2022/23 to 2027/28 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:-

- (i) Children and young people grow up safe, respected, well-educated and confident in their ability to realise their full potential;
- (ii) People and businesses are increasingly able to prosper in a local economy which supports low carbon ambitions and offers opportunities for all;
- (iii) People can achieve their best physical and mental health and have access to quality care and support when they need it;

- (iv) Communities are resilient and physically, digitally and socially connected;
- (v) Perth and Kinross is a safe and vibrant place, mitigating the impact of climate and environmental change for this and future generations.

## **2. Resource Implications**

### Financial

- 2.1 There are no direct financial implications arising from this report other than those reported within the body of the main report.

### Workforce

- 2.2 Not applicable

## **3. Assessments**

### Equality Impact Assessment

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

### Strategic Environmental Assessment

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

#### **4. Consultation**

##### Internal

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

##### External

- 4.2 None

#### **2. BACKGROUND PAPERS**

None

#### **3. APPENDICES**

- 3.1 Appendix 1 - Perth and Kinross Proposed List of Fees



<b>Perth and Kinross Council Civic Government (Scotland) Act 1982 Licence Fees Proposal from 1st April 2024</b>		
<b>Application Type</b>	<b>Current Fee 1yr / 3yr</b>	<b>Proposed Fee 1yr / 3yr</b>
Knife Dealers (Fairs)	66/na	69/na
Knife Dealers	260/311	270/323
Second Hand Dealer	209/311	217/323
Second Hand Car Dealer	209/311	217/323
Stalls Antique Fairs	66/NA	69/NA
Cabinet at Antique Centre	66/158	69/164
Stamp Fairs – Second Hand Dealer	41/NA	43/NA
Late Hours Catering	362/418	376/435
Itinerant Metal Dealer	128/194	133/202
Metal Dealer	219/291	228/303
Market Operator	219/291	228/303
Market Operator when Public Entertainment Licence is in place for same event	105/185	109/192
Sex Shop	1250	1300.00
Sexual Entertainment Venue	1535/na	1596/na
Skin Piercing and Tattooing	260/321	270/334
Material Change of Circumstances	71	74
Indoor Sports Entertainment	199/270	207/281
Street Traders	168/240	175/250
Street Trader Variation	107	111
Window Cleaner	112/168	116/175
<b>Public Entertainment Licence</b>		
Community Hall	189/250	197/260
Capacity <200	189/250	197/260
Capacity 201-1500	301/367	313/382
Capacity 1501-5000	729/836	758/869
Capacity 5001-20000	1566/2086	1629/2169
Capacity >20000	3126/4167	3251/4334
Fun Fair	311/500	323/520
Fun Fair/Inflatables with less than 5 kids rides at Community Event	65/na	68/na
<b>Taxi / Private Hire Cars</b>		
Booking Office	199/265	207/276
Meter Test	37.50	No change
Taxi / Private Hire Drivers Licence new	143/199	149/207

Taxi / Private Hire Drivers Licence renewal	117/173	122/180
Private Hire Operators Licence	61/117/240 WAV/ULH/Car	63/122/250
Taxi Operators Licence	71/138/286 WAV/ULH/Car	74/144/297
Vehicle Substitution (Private Hire)	35.00	60.00
Vehicle Substitution (Taxi)	30.00	40.00
Advertisement on vehicles	71	74
Vehicle Registration Change	46	48
Plate Brackets front and back	30.00 Each 15.00	No change
Plate each	15.00	No change
Replacement Badge	10.00	No change
Door stickers (private hire)	20.00 Each 10.00	No change
Internal complaint badge and wallet	No charge	10.00