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Council Building  
2 High Street  
Perth  
PH1 5PH

20/12/2023

A hybrid meeting of the **Licensing Committee** will be held in **the Council Chamber** on **Monday, 08 January 2024 at 13:00**.

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

**THOMAS GLEN**  
Chief Executive

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

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

**Members:**

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



**Licensing Committee**

**Monday, 08 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 MINUTE OF MEETING OF LICENSING COMMITTEE OF 13 NOVEMBER 2023 FOR APPROVAL**  
(copy herewith)
- 4 GRANT OF A SHORT TERM LET LICENCE - PROVISIONAL LICENCE NO. PK11074P** **5 - 16**  
Report by Strategic Lead - Legal and Governance (copy herewith 24/1)

***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 GRANT OF A SHORT TERM LET LICENCE - PROVISIONAL LICENCE NO. PK11347N**
  - Exempt Reason 6 - Information relating to the financial or business affairs of any particular person (other than the authority).
- P2 SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER LICENCE - TD2214**
  - Exempt Reason 14 - Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
- P3 RENEWAL OF A WINDOW CLEANER LICENCE - WC373**
  - Exempt Reason 14 - Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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**PERTH AND KINROSS COUNCIL – LICENSING COMMITTEE**  
**8 January 2024**  
**REPORT BY HEAD OF LEGAL AND GOVERNANCE SERVICES**

<b>TYPE OF APPLICATION</b>	Grant of a Short-Term Let Licence
<b>APPLICANT(S)</b>	Gavin Roberts Provisional Licence Number: PK11074P
<b>PREMISES (if applicable)</b>	Rubys Cottage 38 North Bridge Street Crieff, Perth And Kinross PH7 3HJ
<b>THE APPLICATION</b>	<p>Gavin Roberts, the sole Applicant, has applied for a three-year short-term let licence as an existing host (operating prior to 1 October 2022).</p> <p>The Application has been validated by Licensing Officers and was sent out for consultation. Police Scotland, Scottish Fire and Rescue Services, and PKC Planning Department have stated they have no objections to this application.</p> <p>The Applicant's property is a detached house.</p> <p>The property has 3 bedrooms and the Applicant(s) has applied for a maximum capacity of 6 guests.</p> <p>One letter of objection has been received with regards to this Application (see attached letter of objection).</p> <p><b>This is a late objection. Closing date for 28-day public consultation period was 28 April 2023.</b></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> </ul>

- compliance/ability to comply with mandatory conditions (applicable to all short-term lets across Scotland) (copy attached);
- compliance/ability to comply with any additional conditions that the Council might attach to the licence (either specific to the accommodation, or specific to short-term lets in Perth and Kinross); and
- the suitability of the premises in the context of Perth and Kinross Council's policies.

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

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

#### **Mandatory Conditions**

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

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

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

<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<sup>(1)</sup>.

### **Gas safety**

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

### **Electrical safety**

6. Where there are electrical fittings or items within the parts of the premises which are for guest use, or to which the guests are permitted to have access, the holder of the licence must -
  - (a) ensure that any electrical fittings and items are in -
    - (i) a reasonable state of repair, and
    - (ii) proper and safe working order,

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

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

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

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

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

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

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

#### **Maximum Occupancy**

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

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

12. The holder of the licence must make the following information available within the premises in a place where it is accessible to all guests -
- (a) a certified copy of the licence and the licence conditions,
  - (b) fire, gas and electrical safety information,

- (c) details of how to summon the assistance of emergency services,
- (d) a copy of the gas safety report,
- (e) a copy of the Electrical Installation Condition Report, and
- (f) a copy of the Portable Appliance Testing Report.

### **Planning Permission**

13. Where the premises is in a short-term let control area for the purposes of section 26B of the Town and Country Planning (Scotland) Act 1997(4) (“the 1997 Act”), the holder of the licence must, where the use of the premises for a short-term let requires planning permission under the 1997 Act, ensure that either—
- (a) an application has been made for planning permission under the 1997 Act and has not yet been determined, or
  - (b) planning permission under the 1997 Act is in force.

### **Listings**

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

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**From:** Celia Whitehead <[REDACTED]>  
**Sent:** 02 November 2023 12:24  
**To:** CDS STL  
**Subject:** Resubmission of short term let application no 439 - 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.**

Hello

Thankyou for allowing me to resubmit my objection to short term let application number 439

Ruby's Cottage  
 38 North Bridge Street  
 Crieff  
 Ph73hj

To address the shortcomings of my original objection:

My address is  
 40 North Bridge Street  
 Crieff  
 Ph73hj

My objection was seemingly late but was infact made at the earliest opportunity made available to me when the register of applications showed that an application had been made at the beginning of October 2023. Prior to that there was no record on the register, something that I have checked every week for one year without fail.

Neither was any notice posted at the property visible from any public accessible area outside the property, again something I have checked weekly if not daily throughout the year.

The notice may have been posted at the front of the property in an area not visible to the public as the cottage is accessed from a private road leading to farm buildings. No access along that road is permitted to the general public. I have seen other such notices displayed at other short term let's in the area but never at Ruby's Cottage.

My original e mail was as follows

Hello

I note today that the application for short term let has appeared on the Perth and Kinross list of applicants no 439, the date of application shows February despite not being present before.

I live next door to the property and despite regular checks, have not seen any visible notice at the road side or until today any notice of application on the council website, nor have I received planning permission notices for anything other than a dwelling house.

After 2 years of constant noise from the property primarily from parties at the property beginning as soon as 8am and finishing as late as 3.30 am the following day. I am at the point of wishing my life to end.

When dark my whole garden is illuminated by the yard light over the hot tub and music laughing and foul language can be heard in every room in my house. There is no escape from the disruption. Holidaymakers standing on the hot tub or on the veranda use the light to watch into my garden and watch me either sitting at my garden bench or walking down to my greenhouse. I have no privacy, There are occasional normal holidaymakers visit the property but in the main the visitors are partymakers attracted by the hot tub, who when asked politely to make less noise respond angrily stating that they have paid a lot of money for the rental and will therefore do as they like. Items including bottles and used condoms are frequently deposited over the fence into my property.

I am at my wits end and now retired to the property I have spend 10 years with my husband doing up for a peaceful retirement, cannot afford to move away.

Conversations have been had with the owner which have not resulted in any improvement in the situation.

A complaint made to the holiday booking company has resulted in my being given a contact number should a particularly hostile event ever be repeated as they are able to have such visitors removed.

One of my neighbours has called the police at 3am in the morning, another has thrown water over them in an attempt to get them to quieten. (with no effect)

Hot tubs for holidaymakers are not appropriate in a quiet residential street.

Removal of the hot tub would still allow for a source of income for the owner without destroying the lives of those who have the misfortune to live nearby.

Please take my comments into consideration when deciding on granting any licence.

Yours sincerely

Celia Whitehead



40 North Bridge Street

Crieff

Ph73hj

Sent from my iPhone