

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the BY MICROSOFT TEAMS
on TUESDAY, 26 MARCH 2024**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Mark Irvine
Councillor Jan Brown	Councillor Andrew Kain
Councillor Audrey Forrest	Councillor Dougie Philand
Councillor Amanda Hampsey	Councillor Peter Wallace
Councillor Graham Hardie	

Attending:

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated on behalf of Councillors Gordon Blair, Daniel Hampsey, Paul Kennedy and Liz McCabe.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (LICENSING OF SHORT-TERM LETS) ORDER 2022: APPLICATION FOR GRANT OF A SHORT TERM LET LICENCE (C BRAY, RHU)

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by video call, by audio call or by written submission. For this hearing the Applicant and her husband opted to proceed by way of video call and joined by MS Teams, the Objector opted to proceed by audio call and joined the meeting by telephone.

The Chair outlined the procedure that would be followed and invited the Licensing Standards Officer to speak to the terms of the report.

The Chair then invited the Applicant to speak in support of the application.

APPLICANT

For the last five years the flat has been let out for short term lets, apart from the lock down period, we have not received any form of complaints or concerns from neighbours within the property and feel that the flat does not affect them in any way. There are 17 flats within the property and only one objector to our application, we have a good relationship with the surrounding owner occupiers and tenants. We work sensitively, are responsible hosts and have painted the back of the building, which benefits everyone.

QUESTIONS FROM OBJECTOR

No questions were asked by objector.

OBJECTOR

The Objector spoke in support of his objections as outlined in his letter, which included invasion of privacy and security and the setting of precedence. He advised that he had lived in the property for the last 35 years, noting that the other owner occupiers and long term tenants are known to me but these people coming and going to the short term let are not. He noted that he was the only objector as not everyone knew about this hearing nor the application. He advised that he has served on the residents committee for a number of years and feels that allowing this short term let would set a precedent for others to follow suit and the building would go downhill.

QUESTIONS FROM APPLICANT

Have you had any issues with any other long term tenants, owner occupiers or short term lets.

Objector responded yes probably with all of them over the years. I do not know who is coming and going to short term lets.

MEMBERS' QUESTIONS

Councillor Brown asked if in the last 5 years that the flat has operated as an Air BnB if any mail has went missing or has there been any anti-social behaviour.

Applicants responded that nothing has ever been raised to them.

Objector responded by advising that an item was stolen from an outside shed but it was difficult to know if any mail had went missing.

Councillor Brown asked the objector if he knew if the theft related to the short term let.

He did not know.

Councillor Forrest asked the applicants how and where they displayed the notices in relation to the short term let application?

The applicant responded that notices were displayed on the front and back gates of property and that several owners had spoken to her in relation to the notices.

Councillor Forrest also asked if there had ever been police involvement.

The applicant was not aware of any issues that would have involved the Police.

The objector said probably in the last 30 years but could not remember anything specific.

Councillor Armour asked the Objector in the last 5 years what issues had arisen.

The objector responded that it is a residential area which are either long term lets or owner occupiers, the issues that have arisen in the past 5 years are a nuisance to myself.

Councillor Armour added how many times have you complained to the owners?

The objector advised that he had never complained to the owners.

Councillor Irvine asked the objector if the short term let or the application had been discussed with the residents association.

The objector advised that this had not been discussed.

Councillor Hardie asked the objector if he had any issues with noise at unsociable hours.

The objector advised that where his residence is in relation to the short term let he would not hear any noise from that area.

Councillor Brown asked both applicant and objector if there had been a discussion around installation of a secure mail box.

The applicants stated that they had offered to arrange for a door to be put on the mail box to secure it, however, there are often parcels left outside the property. No other resident had raised a concern with regard to the mail

Councillor Philand asked the objector if the licence was to be granted with the conditions applied, what do you think is missing that should be included?

The objector responded that his issue is with privacy.

There were no further questions.

SUMMING UP

Objector

The objector summed up by stating that he wanted the building to stay as long term residency and not short term lets, it infringes on privacy, not everyone wants to get involved. He does not want different people every other day going backwards and forwards. There may not have been anything in the original title deeds but may have been if it had been legitimised back then. The applicants never asked any of the neighbours their thoughts.

Applicant

The applicant stated that there are 17 flats within the building, there is an access road that runs around the property to 7 other buildings, so there is a right of way through the grounds. We try to operate in a manner sympathetic to the other residents.

When asked, both parties confirmed that they had received a fair hearing.

DEBATE

Councillor Hardie having listened to both sides advised he had no problem with agreeing to grant the licence with the conditions attached.

Councillor Irvine wished that all applicants were as accommodating and considerate and agreed with Councillor Hardie that the licence should be granted with conditions.

Councillor Forrest was of the same opinion as her fellow councillors.

Councillor Brown had taken on board the objectors concerns, but also agreed to the licence being granted.

Councillor Philand stated the applicants had addressed any concerns quickly and agreed that the licence should be granted.

Councillor Green appreciated the concerns of the Objector but expectations of privacy should be based on a level where sharing a building with 17 flats, he also agreed that the licence should be granted.

Councillor Green moved that the application be approved with the conditions, as outlined within the report relating to antisocial behaviour and privacy and security. With no one being otherwise minded this became the decision of the Committee.

DECISION

The Planning, Protective Services and Licensing Committee unanimously agreed to grant a Short-Term Let Licence to the Applicant, subject to the inclusion of the antisocial behaviour and privacy and security conditions set out at paragraph 6.1 of the report.

(Reference: Report by Head of Legal and Regulatory Support, submitted)