

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: Shona Barton, Governance Manager
Fiona MacDonald, Solicitor
Alison MacLeod, Licensing Officer
Hugh Kinnaird, Applicant
Keith Shanks, Applicant's Agent

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 (H KINNAIRD, LUSS)

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 his Agent opted to proceed by way of video call and joined the meeting by MS Teams. . It was noted that the objector to the application had opted to proceed by way of written submission.

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'S AGENT

There was a presentation of before and after pictures of the Old Mill, which showed a heavily wooded area between the grounds of the Old Mill and the Objector's property.

The property is advertised as a short term let for families and not for stag or hen parties. The Applicant lives in Balloch and has family that live nearer to the Old Mill, so they can

be in attendance quickly in the event of any unnecessary nuisance. The Outside Area, which consists of a sitting/eating area and a hot tub has noise monitoring equipment fitted in the canopies that cover both areas. The noise equipment records noise levels only not conversations. There are also CCTV cameras fitted in the property. Advertising through Airbnb there are parameters set, so only certain people can actually book the property and the applicant or a family member is usually on site to meet the guests.

MEMBERS' QUESTIONS

Councillor Kain asked the applicant what he defined as early intervention as per 4.7 of the report.

The applicant advised that he could be at the property within 30 mins or there is family closer by that could be in attendance in about 7 mins.

Councillor Kain added that stating times with regard to early intervention must be achievable and also asked what reasonable steps would be taken to ensure that no more than 10 people turn up to the property.

The applicant stated that they meet guests on arrival, there are noise monitors and CCTV cameras fitted, but would welcome any other suggestions that would alleviate any issues.

Councillor Brown asked for clarification on how many people could actually sleep in the property as the application stated that there were 3 double beds, plus a double bedroom which amounts to 8 persons that could sleep there.

The applicant advised that there was also a sofa bed in the living room area which would sleep 2.

Councillor Brown also asked where the notices were displayed and where the applicant was based in relation to the Old Mill.

The applicant advised that Notices were displayed on the front gate of the property and that he lives in Balloch.

Councillor Irvine advised that he was familiar with the area as it was within his Ward, he asked how close the objector's property to the Old Mill was.

The applicant and agent responded about 70 meters. The photograph of the aerial view of the property was presented in order that the Committee could see where the objector's property was situated in relation to the Old Mill.

Councillor Brown asked the applicant's agent how many properties they managed.

Mr Shanks responded that they manage 83 properties.

Councillor Irvine asked how many properties within the Luss area.

Mr Shanks stated 4.

Councillor Green asked if the applicant gave his guests advice on what time they should not use the outside area.

The applicant advised that the outside area should be used no later than 10pm, but is happy to take guidance from the Committee.

SUMMING UP

Applicant's Agent and Applicant

In response to the Objector we have put in noise monitoring equipment and CCTV Cameras, which are linked to our phones, we have marketed the property aimed at families, there will be no stag or hen parties allowed. We have done as much as possible to alleviate and concerns or issues that arise.

The applicant also added that the property is personal to him and there are items he has within the property that mean a great deal to him and he himself wants to stay at the property at times.

When asked, the applicant confirmed that they had received a fair hearing.

DEBATE

Councillor Hardie stated that the applicant was professional, organised and dealt with concerns quickly and had no problem in the licence being granted.

Councillor Irvine stated that he did have some issues, not with this property in particular nor the objector's concerns, but with the over provision of short term lets in the area. The applicant has done a great job and he was minded to approve the licence with a caveat to be aware of over provision of short term lets in the area.

Councillor Brown advised that she did have some concerns regarding noise, but will support the approval of the licence as long as the applicant carries out resolving any issues as he has said.

Councillor Forrest agreed to supporting approval of the licence.

Councillor Kain supported the application but to put achievable response times to any issues that arise.

Councillor Philand stated that the applicant had put measures in place in response to the neighbour's concerns and would be happy to support the application.

Councillor Armour was happy that Councillor Irvine raised the question of where exactly the neighbour's property was situated as he had not been clear on that. Therefore, happy to support the licence being granted.

Councillor Green advised that he was happy that the applicant would look at the hours of the use of the outside area and if no one was otherwise minded, that the licence should be granted with the conditions stated.

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 6.4 of the report.

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