

**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)

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| 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
James Crawford, Licensing Officer
Iain Pettigrew, Applicant's Representative

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 (GOWANLEA, KILCHATTAN BAY, ISLE OF BUTE)

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's representative opted to proceed by way of audio call and joined the meeting by telephone. 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

The applicant's agent addressed the objector's comments advising that they were inaccurate. There has never been a door replaced due to damage or otherwise, the flat is let on a minimum 2 night stay, there have never been any reports of guests being inebriated or smoking in the garden, the applicant has a good relationship with the upstairs neighbour, who enjoys having people coming to stay in the property. The objector also complained of people sitting outside the window, so the applicant planted

shrubs in that area, which the objector did not like and cut them back. There was one occasion in 2020 when there was a report of a dog barking, the applicant immediately phoned the guests, who were out at the local hotel having dinner and they returned to the property at once. Although, pets are allowed in the property, there was never any statement of how many or about leaving them unattended, this has now been added to the welcome pack and advertising. An area of the garden has been fenced off to allow guests to let their dogs use it.

There is also a quiet time stated in the welcome pack. Housekeeping services are employed and have never complained about how the property or garden has been left. A gardener has also been employed for the past 20 years, who has carried out weeding.

The property is let out from March to October as a quiet retreat, with no wifi or technology equipment on offer. The other months, the property is used by family members and our own dogs. The area is not a retirement village nor a holiday camp as stated by the Objector.

MEMBERS' QUESTIONS

Councillor Philand referred to point 2c of the objectors concerns, that the property sleeps 4 but at one time had 15 people.

The applicant advised that when they started to let out the flat there had been a campervan parked outside the property, there had also been a function at the local hotel, which is just along the road from property. We only cater for 4 persons within the property and can only imagine that there was a gathering in the garden area. The Objector also refers to her dog being savagely attacked by 7 dogs, there was never any evidence of this and the story was exaggerated.

SUMMING UP

Applicant's Agent

The licensing officer gave us a great deal of support and we knew that there would be issues with the Objector, as she had stated that she would go out of her way to go against the application.

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

DEBATE

Councillor Hardie agreed that the applicant had done everything to address the Objectors concerns and he has happy to support the application.

Councillor Brown stated that the applicant had shown great restraint and willingness to be co-operative and to be responsible owners and operators. Happy to support the approval of the licence.

Councillor Forrest agreed that the applicant had done everything to make things better and supported the granting of the licence.

Councillor Philand agreed with his fellow committee members.

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 of the report.

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