

**REPORT TO:** Licensing Sub-Committee

**MEETING DATE:** 14 September 2023

**BY:** Head of Corporate Support

**SUBJECT:** Civic Government (Scotland) Act 1982 (the 1982 Act)  
(Licensing of Short-term Lets) Order 2023  
Application for Grant/Renewal of a Licence to operate a  
Short-Term Let (STL) at Marine Lodge, 21A Westgate,  
North Berwick, EH39 4AE

**4E**

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## **1 PURPOSE**

- 1.1 A licence application (Appendix 1) for the grant of an STL licence has been received from Andrew Hinds, to allow them to operate the property at Marine Lodge, 21A Westgate, North Berwick, EH39 4AE as a Short-Term Let (STL).
- 1.2 An objection was received on 8 July 2023 regarding overprovision of short-term lets in North Berwick. Relevant representations and objections require to be considered prior to the council taking a decision on the licence application, and it is therefore a requirement that this application is determined by the Licensing Sub-Committee and not through delegated powers.
- 1.3 The sub-committee is required to focus on the suitability of the property as an STL and to establish that the applicant is a fit and proper person to hold an STL licence (Schedule 1, Paragraph 5(3)(a)(ii)).

## **2 RECOMMENDATIONS**

- 2.1 The Licensing Sub-Committee is asked to consider the application and the objection, and to determine whether the STL licence application for Marine Lodge, 21A Westgate, North Berwick, EH39 4AE is to be granted; granted subject to conditions; or refused.

- 2.2 If the STL licence is granted, the sub-committee is asked to decide the period of the licence; the duration of the licence will be 3 years unless determined otherwise by the sub-committee.
- 2.3 If the STL licence is granted, the sub-committee is asked to agree that this be granted subject to the conditions and standards outlined in Appendices 2 and 3.

### **3 BACKGROUND**

- 3.1 The Licensing of Short-Term Lets Order 2023 requires that where residential accommodation is provided by a host in the course of business to a guest, the accommodation is required to be licensed.
- 3.2 The STL application was received on 29 June 2023, and was dated 27 June 2023. Notices, under Paragraph 2 of Schedule 1 to the 1982 Act, were displayed at and around the property on 30 June 2023, and remained in place for the statutory minimum 21 days. These notices inform local residents of the licence application and give information regarding their right to submit objections and/or make representations in relation to the application.

#### **Representations/objections received**

- 3.3 The Council has received an objection/representation from Saartje Drijver (Appendix 4). The objection/representation concerns an overprovision of short-term lets in North Berwick.
- 3.4 No objections have been received from consultees.

#### **Matters to be considered by the sub-committee**

- 3.5 In determining the application, the sub-committee must restrict itself to grounds of refusal specified in the 1982 Act. This states that an application shall be refused if:
- The applicant and/or any agent specified by the applicant are, in the opinion of the sub-committee, not fit and proper to be authorised to permit persons to occupy any living accommodation as an STL (Schedule 1, (3))
  - The applicant and/or any agent specified by the applicant are disqualified by an order of a Court from holding an STL Licence. (Schedule 1, (5), (3))
  - The Sub-committee determines that the property is not suitable for occupation as an STL, or cannot be made suitable by including conditions on the STL Licence (Schedule 1, (5), (3)(c))
  - In determining whether any property is, or can be made to be, suitable for occupation as an STL the sub-committee must consider:
    - The location, character or condition of the premises or the character or condition of the vehicle or vessel;

- The nature and extent of the proposed activity;
- The kind of persons likely to be in the premises, vehicle or vessel;
- The possibility of undue public nuisance;
- Public order or public safety; or
- Any other good reason for refusing the application

### **Terms of an STL Licence**

3.6 An STL licence may include such conditions as the sub-committee thinks fit.

3.7 Any condition included in a STL licence may specify a date from which that condition is to have effect.

### **Grant of Licence and Conditions**

3.8 The duration of the licence will be 3 years (maximum) unless determined otherwise by the sub-committee.

## **4 POLICY IMPLICATIONS**

4.1 Licensing of Short-Term Lets is a statutory obligation for East Lothian Council. This report is based upon Legislation and Scottish Government guidance for licensing STLs.

## **5 INTEGRATED IMPACT ASSESSMENT**

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

## **6 RESOURCE IMPLICATIONS**

6.1 Financial – none.

6.2 Personnel – none.

6.3 Other – none.

## **7 BACKGROUND PAPERS**

7.1 Scottish Government Guidance published in March 2022 – Short Term Lets in Scotland Licensing Scheme, Part 2 Supplementary Guidance for Licensing Authorities, Letting Agencies and Platforms.

Appendix 1 Application Form

Appendix 2 Mandatory conditions

Appendix 3 Additional conditions

Appendix 4 Objection (Drijver)

Appendix 5 Applicant's letter of response to objection

<b>AUTHOR'S NAME</b>	Sheila Fitzpatrick
<b>DESIGNATION</b>	Team Leader – Licensing and Landlord Registration
<b>CONTACT INFO</b>	01620 820623
<b>DATE</b>	2 August 2023

# East Lothian Council

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

## APPLICATION FOR GRANT / RENEWAL OF SHORT-TERM LET LICENCE

### PART 1: ABOUT YOU

Are you applying as an individual or corporate entity?

Individual  Corporate Entity

Fill in if you are applying as an individual:

Your full name ANDREW FRASER HINDS

Date of birth

Place of birth

Home Address

\_\_\_\_\_  
 \_\_\_\_\_ Postcode             
 \_\_\_\_\_  
 Tel. No.            Email address

Please provide your **home address history for the last 5 years** with no gaps or overlaps, starting with the most recent. Please confirm the dates you resided at these properties (continue on a separate sheet if necessary):

Addresses (last 5 years)	Postcode	Date from	Date to

**Agent(s) & Day to Day Manager(s)**

Do you have or intend to appoint an agent or day-to day manager?

Yes  No

If you answered yes, please provide details for your agent(s) or day to day manager(s).

Full name \_\_\_\_\_

Date of birth \_\_\_\_\_

Tel. No. \_\_\_\_\_ Email address \_\_\_\_\_

Addresses (last 5 years)	Postcode	Date from (mm/yy)	Date to (mm/yy)

## Joint Ownership

Is your property jointly owned?    Yes     No

If you answered yes, please provide details for all joint owners.

Joint owner(s) (continue on a separate sheet if necessary):

Full name	Date of	Addresses	Email	Tel. No.

**Individuals, please go to Part 2.**

### Corporate entities

Corporate entities, please complete the relevant sections on the following pages.  
Fill in if you are applying as a corporate entity (e.g. company, partnership, trust or charity)

Corporate entity name \_\_\_\_\_

Limited company number (if applicable) \_\_\_\_\_

First name and surname \_\_\_\_\_

Registered or principal office address \_\_\_\_\_

Tel. No. \_\_\_\_\_ Email address \_\_\_\_\_

Names and private addresses and dates and places of birth of its directors, partners or other persons responsible for its management, including trustees in the case of charities (continue on a separate sheet if necessary).

Full name	Personal address	Place of birth	Date of birth

Please complete for all other named persons on the licence (e.g. any agent or day-to-day manager) (continue on a separate sheet if necessary):

Full name	Date of birth	Addresses (last 5 years)	Email	Tel. No.



## PART 2: APPLICATION AND LICENCE TYPE

(to be completed by all applicants)

Please select the application type:

First application (existing operator\*)

First application (new operator)

New application (where property has been used as licensed STL previously)

Renewal

Change to existing licence

*\*This option is only available for applications made on or before 1 April 2023 by existing operators (ie those operating the premises in which a licence is being applied for as a short-term let on or before 1 October 2022).*

If you are applying to renew or alter your licence, please complete the following fields. If submitting a new application where the property has never been used as a licensed short-term let before, please proceed to '**The Type of Short Term Licence you require**' (below).

Existing licence number \_\_\_\_\_

Existing licence expiry date \_\_\_\_\_

If you are submitting a new application where the property has been used as a licensed short-term let before, please complete the following fields.

Previous licence number \_\_\_\_\_

Previous licence expiry date \_\_\_\_\_

Please select the type of short-term let licence you require:

Home sharing

Home letting

Home sharing & home letting

Secondary letting

If you do not own the property which is the subject of this licence application, do you have proof of permission from the owner(s):

Yes  No  N/A

If you are applying for a change to your existing licence, please indicate the reason for your request (e.g. a change of agent, changes to the property – e.g. an extension to increase maximum occupancy).

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### PART 3: PREMISES DETAILS

Premises Address [Marine Lodge, 21A, Westgate, North Berwick](#)

Postcode EH39 4AE

Unique Property Reference Number (if known) 1380246410

EPC Rating\* D

*\* (if applicable – not required for home sharing or unconventional accommodation)*

Please select the type of premises:

Detached House  Semi-detached house   
Terraced House  Flat   
Unconventional accommodation

From the following options, please select the description that best describes your short-term let:

Self-catering  B&B   
Guest house  Other form of home sharing   
Home letting

Specify the number of rooms within the premises used as:

Bedrooms 2 Bed/Sitting rooms 1

Bathrooms 2 Kitchens 1

Lounges 1

Other (please specify) \_\_\_\_\_

Specify the maximum number of guests 6  
(excluding children under 2 years of age)

Advise if you operated this premise as a short-term let prior to 1 October 2022

Yes  No

## PART 4: CONVICTIONS

Has anybody named on the application been convicted of any offence? Please include details of any unspent convictions in the table below:

NAME	DATE	COURT	OFFENCE	SENTENCE

## PART 5: APPLICATION CHECKLIST

Note – this check list must be fully completed in order to submit your application

I have enclosed the following (please tick to confirm (or enter N/A))	
Correct application fee	£390, YES See East Lothian Council website – Civic Licence Fees
Annual gas certificate (for premises with a gas supply)	Valid to: 18.1.24
Electrical Installation Condition Report	Valid to: 16.2.24
Portable Appliance Testing Report	Valid to: 8.2.24
Fire Risk Assessment	X <del>Assessed</del> ✓
Fire Service Safety Checklist	X Conducted, Attached
Legionella Risk Assessment	Completed. Next Due 6.2.24
Planning permission (for premises within a control area or where requested by the licensing authority)	Planning application reference number: C.L. granted 31.3.23 23/00116/CLU
Floor plan	Completed. Attached.
EPC Certificate (for premises which are dwellinghouses)	Valid to: 7.2.2032
Public Liability Insurance	Valid to: 9.2.24
Proof of consent from owner (if applicable)	N/A
Evidence of operation as a short-term let on or before 1 October 2022 (for existing hosts applying during transitional period)	Please Refer to Bookings on <a href="https://www.vrbo.com/en-gb/p1005312">https://www.vrbo.com/en-gb/p1005312</a> Booking Sheet Examples Pre Oct 1 2022 attached

<b>I have:</b> (please tick to confirm (or enter N/A))	
Identified the owners and those involved in the day-to-day management of my premises	Yes <input checked="" type="checkbox"/>
Ensured that to the best of my knowledge all those named on my application are fit and proper persons	Yes <input checked="" type="checkbox"/>
Prepared information that will be available to guests at the premises including:  (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.	YES <input checked="" type="checkbox"/>  Yes <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/>  Yes <input checked="" type="checkbox"/>  Yes <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/>
Applied for planning permission (if required).	CLU Granted 31.3.23
Noted the requirement to display my licence number and EPC rating on listings for my premises	Yes <input checked="" type="checkbox"/>
Proof that furniture and furnishings/the furniture and furnishings guests have access to, comply with fire safety regulations	Yes <input checked="" type="checkbox"/>
Read and understood the mandatory conditions that will apply to my licence	Yes <input checked="" type="checkbox"/>
Read and understood the additional conditions that will apply to my licence	Yes <input checked="" type="checkbox"/>

<b>My premises</b> (please tick to confirm (or enter N/A))	
Meets current statutory guidance for provision of fire, smoke and heat detection	<input checked="" type="checkbox"/>
Meets statutory guidance for carbon monoxide alarms	<input checked="" type="checkbox"/>
Meets the required regulations for private water supplies (for premises with a private water supply i.e not provided by Scottish Water)	<input checked="" type="checkbox"/>
Meets obligations with regard to the Tolerable and Repairing standard (applicable to dwellinghouses)	<input checked="" type="checkbox"/>

## PART 6: DECLARATION

East Lothian Council, as licensing authority, will use information it holds about you to determine whether you are a fit and proper person to operate a short-term let. In addition, licensing authorities to which you apply may share relevant information they hold about you with one another to help those authorities determine whether you are a fit and proper person to act as a landlord, or to act for a landlord. They may also share and seek relevant information with Police Scotland and, if appropriate, other relevant authorities.

Anyone who gives false information on this form, or fails to provide the information required by this form, is committing an offence which could lead to prosecution.

I declare that I have read and understood the mandatory conditions that apply to short-term let licences and East Lothian Council's additional conditions

I will comply with the requirement to display a site notice in accordance with paragraph 2 of Schedule 1 of the Civic Government (Scotland) Act 1982

I declare that the information given in this application is correct to the best of my knowledge

Signed \_\_\_\_\_

Print name ANDREW FRASER HINDS

Date 27.6.23

## **DATA PROTECTION ACT 2018**

Please note that the information given on this form may be stored electronically by this Authority for the purpose of licensing.

The Identity of the Data Controller under the Data Protection Act 2018 ("the Act").

East Lothian Council, John Muir House, Haddington, East Lothian EH41 3HA ("the Council")

The purpose or purposes for which the data are intended to be processed.

The Data will be processed in order for East Lothian Council to fulfil its statutory duty under the Civic Government (Scotland) Act 1982 in receiving, registering, determining and granting applications for licenses under the said Act. The Data will be shared with public bodies who require to be consulted about the application, such as the Police. It will also be shared with internal East Lothian Council services, particularly within the Environment Department who give advice to the Council as Licensing Authority, in respect of the application.

East Lothian Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

### **Further information can be obtained from:**

Data Protection Officer  
Licensing, Administration and Democratic Services  
John Muir House  
Haddington  
dpo@eastlothian.gov.uk

# SHORT-TERM LETS

## MANDATORY LICENCE CONDITIONS

### 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(a).

### 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(a).

## **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(b).

## **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(c) (“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(a).
- (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(b),

**"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, both,
  - (iv) if it is not reasonably practicable to examine its operating pressure or heat input (or, where necessary, both), 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(a),

**"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(b),

**"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.

# SHORT-TERM LETS

## ADDITIONAL LICENCE CONDITIONS

1. If there is a material change of circumstance affecting the Licensee or the operation of the Short-term Let, the Licensee must inform the licensing authority as soon as possible. No alteration must be made to the property without the prior written consent of the authority.
2. The licence holder must take steps to ensure that the property, fittings and furniture, including fire precautions, plumbing, gas and electrical installations, are maintained throughout the period of the licence to the standard required. The licence holder should hold all necessary certificates.
3. To ensure an adequate electricity supply is maintained to the installed Fire Detection system, where credit card meters are in use, the Licensee will be responsible for ensuring that the meters remain in credit when the premises are unoccupied for any period exceeding 48 consecutive hours.
4. The Licensee shall allow access to the premises at any reasonable time to the following officials for licensing purposes:
  - Any officer of East Lothian Council
  - Any officer of the Scottish Fire & Rescue Service
  - Any officer of Police Scotland
5. The Licensee will be responsible for the day to day running of the premises, and for ensuring that guests comply with the terms of their Lease and in particular to deal effectively with any anti-social behaviour by guests to anyone else in the locality of the Short-term Let.
6. Liquefied Petroleum Gas (LPG) shall not be used or stored on the premises.
7. The licence holder shall comply with the current regulations regarding maximum re-sale prices of gas and electricity supplied, as appropriate.
8. The licence holder should ensure that let rooms are fitted with a lever latch and secured with a suitable lock and thumb turn mechanism or other appropriate locking mechanism.

- 9.** The building should be maintained in a reasonable state of repair, having regard to its age, type and location. Garden and environmental areas should also be adequately maintained.
- 10.** Where a Short-term Let is in a shared building the licence holder must co-operate and participate in the general repair and maintenance of the building and the cleaning of common parts. Where the guests fail to participate in the cleaning of common areas or environmental areas, the licence holder will be expected to carry out the work.
- 11.** Adequate and suitable facilities must be provided for the storage and disposal of refuse. Where bins are provided to terraced and tenemental property they must be clearly identified by flat or property address. The licensee must ensure that the guests utilise the bins provided and ensure that refuse or bins are placed out on collection day and that bins are returned to the bin storage area following collection (where applicable).

## Licensing

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**From:** [REDACTED]  
**Sent:** 08 July 2023 18:36  
**To:** Licensing  
**Subject:** Objection to notice of short let at 21A Westgate, North Berwick - EH39 4AE

You don't often get email from [REDACTED]. [Learn why this is important](#)

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good evening,

I saw the public notice of application for a short term let by Andrew Fraser Hinds at 21A Westgate, North Berwick - EH39 4AE.

I object to this application on the basis that North Berwick requires long term lets for people, in particular young people who can not buy property. There is no need for more short term lets in the area. This is taking housing options away from people who are not in a position to buy their home but wish to live in the area.

Best wishes

Saartje Drijver  
[REDACTED]



Dear Sir / Madam at Licensing Dept, ELC and Sub Licence Committee's Licensing Officer,

**Re. Licence Application for Short Term Holiday Let.**

**Address of Property: Marine Lodge, 21a, Westgate, North Berwick, East Lothian EH39 4AE**

Thank you very much for your letter of 2.8.23 which I received from a STHL licensing officer.

The letter explains that my application for a Short-Term Licence for Marine Lodge, 21A, Westgate, North Berwick, East Lothian EH39 4AE has received an objection from a person called Saartje Drijver.

As a result of this objection ELC's Licensing Sub Committee will consider my application and I am invited to attend a meeting at 14.00hrs on Thursday 14<sup>th</sup> September, 2023. Unfortunately, I will be on holiday outside of the UK at that time.

Therefore, I submit now my reasons why I believe the objection should be over-ruled.

The objection is made, and I quote "on the basis that North Berwick requires long term lets for people, in particular young people who cannot buy property" It continues to state that... "There is no need for more short term lets in the area. This is taking housing options away from people who are not in a position to buy their home but wish to live in the area".

By way of response, I state that the objection should be rejected on several grounds, these include:

1.
  - My Application for STHL licence is made entirely to conform with the new Scottish Govt legislation that holiday lets require a short-term licence.
  - My property at Marine Lodge has in fact, already operated as a short-term holiday let for some 11 years. In fact, the property holds a Certificate of Lawfulness. The property is not "New to the Holiday Let Scene".
  - I believe the objection is potentially discriminatory as the objection is not against my property for any specific reason, but rather against the premise of allowing ANY holiday let the opportunity to become a holiday let. This brings into light a much broader, non-specific and potentially political question. As the Scottish government has decided that there is a need to introduce a new STHL licence scheme, I am merely following the intended government process.
  - Furthermore, the objection seems to object against North Berwick's decision to permit the very existence of any new short-term licences.
  - If North Berwick Licensing decide to uphold the objection then it would surely, for the sake of consistency of approach, have to refuse every single application.
  - Has this litigant, objected against every application of is just my property? To appear non-discriminatory, surely she must object against every application? If she has failed to do this, I submit that she makes a random, discriminatory objection against my property without any specific grounds.

2.

- I believe there is a right for a property owner to choose how they wish to use their property. I feel this objection fails to recognise that an owner will have made a considerable investment into the property and, on what basis therefore must he / she choose to rent out the property solely for long term rental? Why should an owner be dictated to by some potentially unrealistic or even utopian whim of an opinion? If all properties became long term rental properties what would happen to tourism in the area?

3.

- Long Term rental is a completely different commercial proposition from short term (holiday) rental. One of the reasons I have chosen for 11 years to rent out my property for Short Term holiday use is so that I can monitor who my clients are and the very nature of short- term holiday letting means the property is less likely, in my view, to experience damage / accidents often caused in lengthy long-term rentals.
- My short-term holiday clients contribute considerably to the local economy. Tourism continues to be growing in the area and I believe over 4000 people may have gained employment as a direct / indirect consequence of tourism in the area. Any reduction in good, well-operated and appealing accommodation premises may have a negative impact on the contribution tourism makes to Scotland's economy and has the potential to create monopolies within the market and limit choice of holiday accommodation.

4.

- The objection wants more long-term accommodation for "young people". Now, of course, I do not know what is implied by "young people", but without sounding indifferent to this socially idealistic viewpoint, it strikes me that a lot of "young people" would find long term property rental in the North Berwick area too expensive.
- Would young people be capable of investing towards the local economy in the same way as tourists to the area? If not, what impact on business might this have?
- I assume that the objector recognizes the difference between short-term letting and short-term holiday letting?

In summary, I consider that I have successfully run my property as a holiday rental for over 11 years and as a consequence my clients will have made a considerable contribution to the economy. By running such a commercial venture, I will have also provided indirect employment and income to many trades people in the area across the years and contributed considerably through appropriate historical building applications and utility and service costs to the area as a whole.

I have always re-invested in the property internally and externally to ensure that the property is maintained to a high standard and does not fall into disrepair and is always of future potential purchase appeal. Indirectly such investment ensures that the area benefits

from a pleasing appearance of well-maintained properties and property values are enhanced.

So, on these above grounds I consider the objection neither specific to nor relevant in the case of my particular property and would ask that the licensing committee reject this objection to my application.

Thank you in anticipation.

Andrew

Andrew Hinds, Tel. [REDACTED]

[REDACTED]

