



NOTICE OF THE MEETING OF THE LICENSING SUB-COMMITTEE

**THURSDAY 14 SEPTEMBER 2023, 1.15pm
VIA DIGITAL MEETING FACILITY**

Agenda of Business

Apologies

Declarations of Interest

Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

PRIVATE BUSINESS

1. Consideration of the Fitness and Propriety of an Existing Landlord (Continued) – Report by the Head of Corporate Support (**private pack pages 1-22**)
One landlord invited to attend
2. Application for the Grant of a Taxi Driver Licence (**private pack pages 23-34**)
One applicant invited to attend

PUBLIC BUSINESS (to be heard from approx. 2.00pm)

3. Minutes for approval
 - a. Licensing Sub-Committee, 8 June 2023 (**private pack pages 35-38/public pack pages 1-4**)
 - b. Special Meeting of the Licensing Sub-Committee, 6 July 2023 (**private pack pages 39-44/public pack pages 5-10**)
 - c. Special Meeting of the Licensing Sub-Committee, 10 August 2023 (**private pack pages 45-48/public pack pages 11-14**)
4. Applications for Grant of a Licence to Operate a Short-Term Let – Reports by the Head of Corporate Support
 - a. 25 Balfour Street, North Berwick (**public pack pages 15-50**)
 - b. Papple Steading, Haddington (**public pack pages 51-78**)
 - c. 1 Ivory Court, Langriggs, Haddington (**public pack pages 79-126**)
 - d. 68 Craighall Drive, Musselburgh (**public pack pages 127-158**)
 - e. Marine Lodge, 21A Westgate, North Berwick (**public pack pages 159-186**)
5. Taxi and Private Hire Car Licensing – Report by the Head of Corporate Support (**public pack pages 187-240**)

NOTE: Access to Information.

The Committee will exclude the public from items 1 and 2 in terms of paragraph 6 (information relating to the business affairs of particular persons) of Schedule 7A to the Local Government (Scotland) Act 1973.

**Monica Patterson
Chief Executive
John Muir House
Haddington**

7 September 2023



East Lothian
Council

**MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE**

**THURSDAY 8 JUNE 2023
ONLINE DIGITAL MEETING FACILITY**

3A

Committee Members Present:

Councillor C McGinn (Convener)
Councillor C Cassini
Councillor J Findlay
Councillor C McFarlane
Councillor T Trotter

Council Officials Present:

Mr I Forrest, Senior Solicitor

Others Present:

None

Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor J McMillan

Declarations of Interest:

None

1A. MINUTES FOR APPROVAL – SPECIAL MEETING OF THE LICENSING SUB-COMMITTEE, 27 APRIL 2023

The minutes were agreed as an accurate record of the meeting.

1B. MINUTES FOR APPROVAL – LICENSING SUB-COMMITTEE, 11 MAY 2023

The minutes were agreed as an accurate record of the meeting.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Sub-Committee agreed to exclude the public from the following item in terms of Paragraph 2 (information relating to individual tenants) of Schedule 7A to the Local Government (Scotland) Act 1973.

2. CONSIDERATION OF THE FITNESS AND PROPRIETY OF AN EXISTING LANDLORD

The Sub-Committee agreed to defer making a decision and sought further information.

PRIVATE

2. CONSIDERATION OF THE FITNESS AND PROPRIETY OF AN EXISTING LANDLORD

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Signed

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Councillor C McGinn
Convener of the Licensing Sub-Committee

**MINUTES OF THE SPECIAL MEETING OF THE
LICENSING SUB-COMMITTEE**

**THURSDAY 6 JULY 2023
ONLINE DIGITAL MEETING FACILITY**

3B

Committee Members Present:

Councillor C Cassini
Councillor D Collins (substitute for Councillor Findlay)
Councillor A Forrest (substitute for Councillor McFarlane)
Councillor T Trotter

Other Councillors Present:

None

Council Officials Present:

Mr C Grilli, Service Manager – Governance
Ms F Haque, Solicitor
Ms S Fitzpatrick, Team Manager – Licensing & Landlord Registration
Ms C Aitken, Licensing Officer
Ms G Herkes, Licensing Officer
Ms P Gray, Communications Adviser
Mr C Clark, Senior Environmental Health Officer

Others Present:

Sgt R Stark, Police Scotland

Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor C McGinn
Councillor J McMillan
Councillor J Findlay
Councillor C McFarlane

Declarations of Interest:

None

As the Convener and Depute Convener were not present, the Committee Clerk invited nominations for a substitute Convener. Councillor Forrest nominated Councillor Trotter, and this was seconded by Councillor Collins. There were no other nominations, and Members confirmed they were content for Councillor Trotter to act as Convener.

1. REQUEST FOR A VARIATION OF PUBLIC ENTERTAINMENT LICENCE AT COCKENZIE HOUSE AND GARDENS

An application had been submitted by Marietta Di Ciacca to request variation to the public entertainment licence (PEL) currently in place at Cockenzie House so as to: extend the licenced area to include the gardens; to permit live music performances within the gardens; and to permit a portable sauna within the gardens. The Sub-Committee was asked to determine the application in light of all the information presented to them.

Carlo Grilli, Service Manager – Governance, summarised the application and noted that it was not clear whether the portable sauna remained part of the application. He highlighted suggested conditions which formed part of the reports from the Licensing Standards Officer (LSO) and Environmental Health Officer (EHO).

Alistair Macdonald, agent, was present to speak to the application, along with his clients Craig Hodgson and Marietta Di Ciacca. He confirmed that any references to the portable sauna had been withdrawn. The application sought to add the outside area to the PEL and facilitate music events known as EH32 Live. EH32 Live events had taken place in the previous year and the East Lothian Licensing Board had already granted occasional licences to cover the events in 2023. After being made aware that the current PEL did not cover the outside area, his clients had followed advice to cancel the planned events until such time as a PEL variation hearing could take place, and he expressed gratitude that the meeting had been convened during the summer recess period. He highlighted that the current PEL was due to expire at the beginning of October 2023, and therefore any changes agreed by the Licensing Sub-Committee would require to be confirmed at the time of renewal. He suggested that this presented an opportunity to make the requested changes, before these could be reviewed at the time of renewal. He pointed out that although the changes were to be made to the venue's PEL, they were being requested specifically for the EH32 Live festival. Therefore, any reference to events in 2024 were irrelevant under this application because the current licence would have expired in October 2023.

Mr Macdonald then addressed points raised in the LSO's report. In the previous year, events had been held every weekend from the beginning of June to the end of August, and he acknowledged the noise complaints lodged following these. He advised that his clients were aware that children's carnival events were not included in the current PEL and confirmed they were not trying to add this activity in this application. He made reference to events his clients had considered running, including operating only the bars with a busker, but said they had resolved to put the events on hold until the PEL variation could be put in place. He highlighted the valuable performance and further business opportunities provided to local bands by the festival, some of whom had already lost this opportunity through cancelled events. His clients asked for the concerts to be permitted to continue on Saturdays and Sundays for all dates until the end of August. He agreed that going forward, engagement in the Safety Advisory Group (SAG) process would be valuable. He advised that his clients accepted that the frequency of concerts would have to be addressed in the following year, but noted that there had already been a lost month of events so far this year. His clients also accepted that an event should not take place on the same day as a wedding at the venue. His clients were aware of complaints made by members of the public relating to foul language used by bands, and said that bands would be briefed accordingly.

Mr Macdonald proceeded to address the EHO report. He said that his clients had carried out noise monitoring on a regular basis, and said that an acoustic barrier had been purchased for the back of the marquee tent. He said that noise complaints would be specifically addressed going forward, and noted equipment that could be purchased to provide an element of control with the help of a sound engineer. The hours of sales for the occasional licences had been reduced from the previous year, and this would be adhered to. Although EH32 Live events would take place only on Saturdays and Sundays, he raised that there may be other music performances the venue may wish to host, such as classical concerts.

Responding to questions from Councillor Forrest, Mr Hodgson described the effect of an acoustic sound barrier, which were common at music festivals and could cut sound by up to 40 decibels. He advised that readings were usually taken from in front of the speakers and from 4 metres away when bands were playing, and readings had also been taken from neighbouring properties when comment had been made on noise levels. He advised that a portable noise limiter to cut audio should a noise barrier be breached had been considered, but the organisers had wished to try the acoustic sound barrier first to save further outlay. He confirmed that there were no weddings planned at the venue until after the current PEL expiration in October. He also confirmed that EH32 Live music played from 2pm-8pm with breaks and changeover time for acts. In the previous year, music had always finished at least 30 minutes prior to the terminal hour of the occasional licences.

Councillor Collins asked about any clauses in contracts relating to antisocial behaviour and bad language. Mr Hodgson advised that only one performer had used foul language in the previous year, and they had been taken off the bill for future performances. He briefed bands before their performances and could include this clause in their contracts.

Responding to a question from Councillor Trotter, Mr Hodgson advised that there were eight weekends of EH32 Live planned, finishing on Sunday 27 August. One of the weekends in August would have music only on the Sunday.

Sergeant Rachel Stark said that Police Scotland had raised no objection on the basis that there had been no police incidents in the previous year. She concurred with the LSO's comments that the applicant ought to put some of the initial events through the SAG process to reduce risk and ensure best practice. She said that Police Scotland had wanted the applicant to take responsibility for ensuring the licence was in order; police would prefer to work with a licensee and provide guidance, but if events had continued to take place outwith the current PEL then Police Scotland would have taken some form of enforcement.

Responding to questions from Councillor Trotter, Sergeant Stark reiterated that no complaints had been made directly to Police Scotland from the previous year, hence there being no objection submitted. Should the events result in antisocial behaviour or issues around overconsumption of alcohol and/or drug use, then this would have an impact on policing activities. She reiterated the benefits of the SAG process in allowing input from various agencies. She said that if events resulted in police attendance, Police Scotland make representation to the East Lothian Licensing Board.

Colin Clark, Senior Environmental Health Officer, said that the representation from his department had been based on noise complaints made by members of the public from the surrounding residential area. He reported that Environmental Health were of the opinion that the 22 music events originally proposed on consecutive weekends had been excessive for the locality. He commented that it was difficult to curtail music noise, but said that officers had not been readily available over weekends to monitor noise in the previous year. Environmental Health had referred public complaints to the

LSO. He felt that the proposed number and frequency of events for this year would have an unreasonable impact on the residential properties nearby. He compared the festival to events such as Fringe by the Sea, and pointed out that other such festivals took place over a shorter period of time; he felt that three months of weekend music for EH32 Live was excessive.

Responding to questions from Councillors Forrest and Trotter, Mr Clark discussed the handling of complaints from the public. He confirmed that Environmental Health were not aware of the noise levels from the previous year. He said that complaints made over the weekend were responded to on the Monday, and advised that it would place extreme demand on the department to have officers available to monitor noise over the weekend.

Mr Macdonald felt that the festivals to which Mr Clark referred were not comparable to EH32 Live in terms of frequency of events. He felt that the system of formalising complaints only on the following Monday meant that event organisers were unable to respond or be consulted. He understood that there had been no direct contact between Environmental Health and the event organisers.

Responding to a question from Councillor Forrest, Mr Grilli advised that the Antisocial Behaviour Team had been consulted as part of the process, but had not come forward to discuss matters.

Responding to a suggestion from Councillor Collins, Mr Clark said that a test could be performed with officers present to set an environmental noise limiter, which would be adjusted to a point where the noise did not impact adversely on a sensitive receiver. He remarked that low frequency bass tended to have the greatest impact and passed directly through single-glazed windows. Although officers could perform these tests, he noted that noise levels which may be acceptable to the surrounding residents may not be acceptable to the hosts to make the event workable and successful. He advised that Environmental Health had always made the LSO aware that they would be happy to meet about the event, but their attendance had not been requested.

Councillor Forrest commented that although he did not wish to obstruct events from going ahead, he was conscious of the impact on neighbours. He felt that only one weekend each month would be acceptable, but appreciated the organisers' wish to be able to run a business.

Councillor Collins felt that having music every weekend on both Saturday and Sunday through to October was excessive, and felt that one day per weekend would provide a more measured approach.

Councillor Cassini had concerns about the management of the project. She voiced disappointment over the misinformation broadcasted by the organisers through social media, and wanted this to be corrected.

Councillor Trotter thought that the frequency of events needed to be restricted, but did not wish to interrupt entertainment for the public as he appreciated this played an important role in communities. He suggested that every Saturday but no Sundays might be acceptable.

Mr Macdonald and Mr Hodgson confirmed that the events were planned only until 27 August, and there were no events planned for September or October. They also reiterated that there would only be an event on the Sunday on the weekend of 5-6 August.

Mr Clark clarified the Environmental Health suggestion of one day per weekend, specifically Saturdays, which would reduce the number of events by half. Officers could also monitor noise before the PEL renewal in October. Councillor Forrest voiced that he would be content to see the events take place on day each weekend.

Councillor Trotter formally proposed that the EH32 Live events could take place on Saturdays only, and this was seconded by Councillor Forrest. Councillor Trotter then moved to a roll call vote, and Members unanimously supported the proposal.

Following the vote, Councillor Trotter commented on the importance of regular communications, and felt there should be an apology released by the organisers for the misinformation released relating to the council's actions following the cancellation of the earlier events.

Mr Grilli also confirmed the decision with Members, and Members advised that they would not be agreeable to any flexibility in terms of the day each weekend that events could be held.

Decision

The Sub-Committee agreed to vary the Public Entertainment Licence currently in place so as to:

- extend the licenced area to include the Gardens; and
- permit live music performances within the Gardens, with EH32 Live events permitted to proceed only on Saturdays until 26 August 2023 inclusive.

Signed

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Councillor T Trotter
Convener of the Licensing Sub-Committee



East Lothian
Council

**MINUTES OF THE SPECIAL MEETING OF THE
LICENSING SUB-COMMITTEE**

**THURSDAY 10 AUGUST 2023
ONLINE DIGITAL MEETING FACILITY**

3C

Committee Members Present:

Councillor C Cassini
Councillor J Findlay
Councillor C McFarlane
Councillor J McMillan
Councillor T Trotter

Other Councillors Present:

None

Council Officials Present:

Mr I Forrest, Senior Solicitor
Ms S Fitzpatrick, Team Manager – Licensing & Landlord Registration

Others Present:

PC I Anderson, Police Scotland

Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor C McGinn

Declarations of Interest:

None

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Sub-Committee agreed to exclude the public from the meeting by virtue of Paragraph 6 (information concerning the financial or business affairs of any particular person other than the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

1. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE

The Sub-Committee refused the licence.

DRAFT

PRIVATE

1. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Signed

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Councillor J McMillan
Convener of the Licensing Sub-Committee

DRAFT

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 of a Licence to operate a Short-Term
Let (STL) at 25 Balfour Street, North Berwick, EH39 4JY

4A

1 PURPOSE

- 1.1 A licence application (Appendix 1) for the grant of an STL licence has been received from Lisa Esther Hall-Baillie, to allow them to operate the property at 25 Balfour Street, North Berwick, EH39 4JY as a Short-Term Let (STL).
- 1.2 Objections (Appendices 4 to 11) have been received from eight neighbours between 7 and 9 July 2023. 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 objections, and to determine whether the STL licence application for 25 Balfour Street, North Berwick, EH39 4JY 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 19 June 2023, and was dated 19 June 2023. Notices, under Paragraph 2 of Schedule 1 to the 1982 Act, were displayed at and around the property on 19 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 eight objections from neighbours of the property in question. The objections concern:

- Decline in community spirit
- Anti-social behaviour / excessive noise
- Increased and poorly disposed of waste / lack of waste management
- Poor management of lets / guests
- Lack of parking for residents
- Short-term economic benefits v Long-term economic impact

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 (Clark)
- Appendix 5 Objection (Colvin)
- Appendix 6 Objection (Gollan)
- Appendix 7 Objection (McIlwraith)
- Appendix 8 Objection (Pereira)
- Appendix 9 Objection (Stewart)
- Appendix 10 Objection (Stobie)
- Appendix 11 Objection (Surfleet)

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



East Lothian Council

E.L.C.
Customer Services
19 JUN 2023
RECEIVED

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

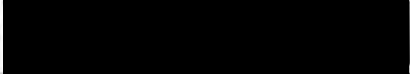
Fill in if you are applying as an individual:

Your full name WISA ESTHER HALL-BAILLIE

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 (mm/yy)	Date to (mm/yy)

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 birth	Addresses (last 5 years)	Email	Tel. No.
LISA ESTHER HALL-BAILLIE				
STEVEN ALEXANDER BAILLIE				

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).

PART 3: PREMISES DETAILS

Premises Address 25 BALFOUR STREET, NORTH BERWICK

Postcode EH39 4JY

Unique Property Reference Number (if known) 138042845

EPC Rating* D

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

Please select the type of premises:

- | | | | |
|------------------------------|--------------------------|---------------------|-------------------------------------|
| Detached House | <input type="checkbox"/> | Semi-detached house | <input type="checkbox"/> |
| Terraced House | <input type="checkbox"/> | Flat | <input checked="" type="checkbox"/> |
| Unconventional accommodation | <input type="checkbox"/> | | |

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

- | | | | |
|---------------|-------------------------------------|----------------------------|--------------------------|
| Self-catering | <input checked="" type="checkbox"/> | B&B | <input type="checkbox"/> |
| Guest house | <input type="checkbox"/> | Other form of home sharing | <input type="checkbox"/> |
| Home letting | <input type="checkbox"/> | | |

Specify the number of rooms within the premises used as:

Bedrooms 2. Bed/Sitting rooms 0

Bathrooms 1. Kitchens 1

Lounges 1.

Other (please specify) 2 Internal Rooms (Box Rooms).
1 Laundry / Utility Room.

Specify the maximum number of guests 4.
(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:

NO.

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	See East Lothian Council website – Civic Licence Fees
Annual gas certificate (for premises with a gas supply)	Valid to: 07/06/2024.
Electrical Installation Condition Report	Valid to: 15/06/2028.
Portable Appliance Testing Report	Valid to: 15/06/2024.
Fire Risk Assessment	✓
Fire Service Safety Checklist	✓
Legionella Risk Assessment	✓
Planning permission (for premises within a control area or where requested by the licensing authority)	Planning application reference number: 23/00407/P
Floor plan	✓
EPC Certificate (for premises which are dwellinghouses)	Valid to: 19/04/2032
Public Liability Insurance	Valid to: 16/12/2023
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)	N/A.

I have: (please tick to confirm (or enter N/A))	
Identified the owners and those involved in the day-to-day management of my premises	✓
Ensured that to the best of my knowledge all those named on my application are fit and proper persons	✓
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.	✓ ✓ ✓ ✓ ✓ ✓
Applied for planning permission (if required).	Rec'd 2 June 2023
Noted the requirement to display my licence number and EPC rating on listings for my premises	✓
Proof that furniture and furnishings/the furniture and furnishings guests have access to, comply with fire safety regulations	✓
Read and understood the mandatory conditions that will apply to my licence	✓
Read and understood the additional conditions that will apply to my licence	✓

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

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 _____

WISA ESTHER HALL-BAILLIE

Date _____

19 June 2023

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, East Lothian Council, John Muir House, Haddington, EH41 3HA

Ref EL00081N: 25 Balfour Street, North Berwick, EH39 4JY

I object to a license being granted to run a short term let at 25 Balfour Street North Berwick on the following grounds:

The applicant has not identified who the day-to-day manager of the property will be. There is therefore no person identified as being in charge of the daily operation of this business.

The applicant does not have a commercial waste contract in place and has stated in their planning application that communal domestic areas will be used for commercial waste management.

Permissions for commercial waste storage at this location has not been provided by other owners of the site. Household refuse, kitchen food waste, and recycling will be stored on communal shared ground, in communal shared bins, in the jointly owned shared garden area.

The communal garden and domestic bin storage area is readily accessible by paying guests at 25 Balfour Street directly from the kitchen. There is no agreement in place from other owners of the shared garden and bin storage area that their shared garden property can be used for commercial letting, and there is no way to guarantee that paying guests at 25 Balfour Street do not access the shared garden from the flat.

Based on multiple previous experiences of short term lets in Balfour Street there is a certainty that noise and environmental health issues will have a detrimental impact on neighbours.

I make representation for the following reasons:

The owner has stated in their planning application that if the property is not permitted to run as a short term let business then it will be rented as a long term let home for a permanent tenant.

The case for granting planning permission was made on economic evidence that was inaccurate and misleading, being based solely on out of date tourist survey data with no balanced economic analysis that included the local economic impact of permanent residents in the flat. The evidence presented does not represent demonstrable local economic benefit that outweighs the loss of much needed residential accommodation in the town and is therefore not in line with the requirements of National Planning Framework 4.

The character and amenity of the local area has been detrimentally altered by the overabundance of short term let properties in Balfour Street and the surrounding streets. The street can no longer be considered as residential, with over half the properties now run as non-primary residences and short term let businesses. Policy RCA1 (Residential Character and Amenity) of the adopted East Lothian Local Development Plan 2018 states that the predominantly residential character and amenity of existing or proposed housing areas will be safeguarded from the adverse impacts of uses other than housing. Development incompatible with the residential character and amenity of an area will not be permitted. This policy has erroneously not been upheld in the planning decision. The removal of a home from the town will further fracture and reduce the resilience of the struggling remaining local community in Balfour Street.

Alison Clark, [REDACTED]
7 July 2023

From: [REDACTED]
To: [Licensing](#)
Subject: 25 Balfour Street
Date: 08 July 2023 11:49:03

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Dear Sir/Madam

I am writing to object to the plan for 25 Balfour Street, North Berwick to be a holiday rental.

I live across the road at [REDACTED] and have two holiday let's next door already.

Since I moved with my family to our current address two years ago I have witnessed several homes turned into holiday lets and there had been a noticeable decline in community spirit.

The holiday lets are often noisy and myself and our permanent neighbours regularly have to ask holiday makers to reduce their noise levels during the working week. Adding yet another short term rental directly opposite will add to this annoyance.

Finally the holiday let's make a lot of mess on the street. It is not uncommon to have used disposable bbqs and other rubbish just left lying on the pavement.

Please don't allow yet another home be turned into a money making scheme that only benefits the flat owner, and causes the permanent residents more pain.

Thank you
Steve Colvin

[REDACTED]

Sent from my iPhone

Objection to Licensing of 25 Balfour Street, North Berwick EH39 as a short-term let.

To whom it may concern.

Planning Ref. No: 23/00407/P

We live very close to 25 Balfour Street as our property at [REDACTED] is [REDACTED] to the east from the north end of Balfour Street and exits into Quadrant Lane which adjoins Balfour Street. We are gravely concerned to see that No.25 has been passed by Planning as yet another Short-Let and wish to register our strongest objection at this stage in the Licensing process. The area of Balfour Street, Melbourne Road, Quadrant used to be almost exclusively populated by families, couples and individuals at different stages of life, bar a couple of guest houses and there was a thriving, neighbourly, social aspect which contributed to the health and wellbeing of adult residents but especially children. With every Short-Let approved, that sense of a caring, child-friendly community has gradually been eroded to the point where there are more Short-Lets and rarely used second homes than resident owners or long-term renters. This has had a devastating impact on those of us who live here permanently because most second home/short let owners and their visitors simply do not care about protecting their neighbours from excess noise, anti-social behaviour, careless dumping of refuse and recycling in private and public litter bins on the public highway. Crucially, residents in Balfour Street and surrounds are living with an ever-changing, transient set of short-term neighbours whose names they don't know and whose behaviour is unpredictable at best.

We have lived at our address for 22 years and have experienced innumerable day today issues during the holiday let seasons which cannot be promptly and adequately addressed as defined in ELC's Additional and Mandatory Conditions for Short term lets:

Specifically and Additional that: *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.*

Related and Mandatory: *The licence holder must ensure that the number of guests residing on the premises does not exceed the number specified in the licence. How does any owner ensure this?*

It is disingenuous to imply that all neighbours who need to contact the owner can do so and that the owner would promptly deal effectively with anti-social behaviour. Only last week (w/b 3/7/23), in another short-term let, a top flat at No 15 Balfour Street was occupied by a seemingly excessive number of rowdy American golfers who were throwing things out of the window onto the street and parked cars below. Music was blaring out of windows thrown open all day and many of us suffered disturbed evenings. I have no idea who owns that particular flat and the owner certainly did not "deal effectively with any anti-social behaviour by guests to anyone else in the locality of the Short-term Let."

Additional condition: *Adequate and suitable facilities must be provided for the storage and disposal of refuse. Where bins are provided to terraced and tenemental properties 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)

This is a running sore for residents in the area described. Balfour Street is very narrow and the pavements even narrower and thus refuse bins are a hazard unless removed and stored off street. The result is that numberless green bins line up along Quadrant Lane and the Lane is used as a public dump for holidaymakers' rubbish. When a let ends, we can often be faced with excessive amounts of rubbish and recycling in bin bags dumped anonymously and carelessly in communal back garden spaces, accessible to seagulls and rodents. No holiday let owner has ever cleaned up. These commercial premises are profiting at our expense as there is evidently no manager nor any commercially designated waste management in place, which surely means permission should not be granted on those grounds alone.

If ELC approves the Licensing of 25 Balfour Street, which is set within the tenement terrace, it would be another blow to the remaining tiny community who choose to live here permanently. The economic benefits which allegedly accrue to the town are fanciful as these holiday flats are mostly empty in the off-season and self-catering properties in the holiday season benefit Tesco and other supermarkets that deliver as we observe from the number of delivery vans circling and trying to find a parking place.

The current Planning and Licensing policy of approving an excessive number of short-term let properties in the 'old' town of North Berwick is having a seriously detrimental effect. As permanent residents find themselves increasingly without any neighbours and surrounded by empty flats and houses in the winter or disturbed once or twice a week and inconvenienced by inconsiderate visitors, what should we do? The dreaded 'doughnut effect' on the town has already begun and unless ELC Planning and Licensing urgently work with us, it may be too late to stop it. But those of us who are privileged to live in the 'old' part can't just sit back and watch as local people who love this town are driven out or prevented from buying 'first homes' by absentee second homeowners who only want to profit from our attractive town but invest nothing in terms of social capital. Hence the reason for this objection and a plea that the committee listens and supports the residents of this area by rejecting the application.

Yours faithfully,

Christine and Graeme Gollan



From: [REDACTED]
To: [Licensing](#); [Licensing](#)
Subject: Fwd: 25 Balfour Street Planning Application objection
Date: 07 July 2023 17:47:26

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Sent from [Outlook for Android](#)

From: Finlay McIlwraith
Sent: Friday, June 30, 2023 10:28:22 PM
To: environment@eastlothian.gov.uk <environment@eastlothian.gov.uk>
Subject: 25 Balfour Street Planning Application objection

As residents of Balfour Street we are deeply concerned over plans for the use of 25 Balfour Street as yet another short term let in the street.

While we recognize that the location of Balfour Street makes it an attractive destination for holiday-makers, there is a lack of understanding for how living in a street where many of the properties have no permanent occupancy present a range of problems.

experienced In our block of flats we have experienced food waste being placed without covering into our food bins, causing a huge number of maggots to circulate within said bin.

As the only occupants of a shared stairwell we bear the brunt of the noise, irregular sleeping hours and lack of consideration for neighbours and upkeep of stairs which often emanates from holiday makers.

The street in many ways no longer feels like a residential street and more a backdrop for other peoples holidays, this also makes it incredibly difficult to park on the street during peak season.

We are concerned that too much concern is being given to short term economic benefits for lets while failing to take into consideration their social impact. We also believed the longer term economic impacts of permanent occupancy should be given more consideration, participation in local groups, long term business for local shops, and they take up work or business which could contribute to the local economy.

We are also concerned by the severe lack of ability for younger people to move into the area.

Ultimately we hope this application is rejected as we feel the cohesion of the street and area could be much better represented by allowing longer term occupancy instead.

From: [REDACTED]
To: [Planning \(NOT FOR PUBLIC ENQUIRIES\); Licensing](#)
Subject: Objection to Short-term lets Ref. No: 23/00407/P
Date: 07 July 2023 17:27:10

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Ref EL00081N
25 Balfour St

Good day,

I would like to object to the decision to grant the change of use of 25 Balfour Street. I understand that Short Term lets bring in a considerable amount of income to the community but in a town where there is little to no housing available to permanent residents it is a shame that permission has been granted to another holiday let. I would argue that over time a long term let would give the opportunity for a greater more positive impact on the community, the ongoing use of the local amenities, shops, services, and Council Tax etc and the much needed sense of community. Being a ground floor flat number 25 would be the perfect resident for a family or a person with mobility needs.

I am a permanent resident of Balfour Street and we have to constantly face parties of anti-social holiday makers, not to mention the issue of waste management or the lack thereof. We are in a flat [REDACTED] to number 25 and although we are not on the same level we are worried that the noise and comings and goings of visitors will add to the growing disruptions on our street. We have a young child and anti-social behaviour and noise can have a negative impact on our daily life. Also having more long term lets increases the council tax and benefits the wider community.

I am concerned that this consent is going to form a pattern that greatly impacts the permanence and continuity that we greatly need in our neighbourhood as well as the need for permanent housing. We would like to have our objection noted for this and other short term holiday let licences going forward.

Natalie Pereira
[REDACTED]

From: [Planning \(NOT FOR PUBLIC ENQUIRIES\)](#)
To: [Licensing](#)
Subject: FW: 25 Balfour St - license application
Date: 07 July 2023 16:12:14

Hi

Please see email below.

Thanks

Kirsty

-----Original Message-----

From: Anne Stewart [REDACTED]
 Sent: 07 July 2023 14:44
 To: Planning (NOT FOR PUBLIC ENQUIRIES) [REDACTED]
 Subject: 25 Balfour St - license application

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Email from:
 Anne Stewart

[REDACTED]

I am very disappointed to see that the flat [REDACTED] to me (25 Balfour Street) is displaying a notice that an application has been made for a license for its use as a short-term let.

It's very sad what has been happening to Balfour Street in recent years. Increasingly, flats have been purchased and then are let as short-term holiday rentals.

It's a fabulous street, Balfour Street, with great neighbours. We've gathered together for Christmas carols and social gatherings, celebrated the arrival of new babies and we keep an eye on those around us who are in poorer health. During covid we clapped on our doorsteps, called out to check on each other and sang Scottish songs from our doorsteps while one neighbour played the guitar. More generally, we often gather at the sea wall for a catch-up and a cuppa.

This community we have in Balfour Street is very precious to me. When I feel alone I go over and sit on the sea wall with a cup of tea and others magically arrive and it makes life good again. It's like a precious ecosystem that if damaged will have ripple effects - locals unable to find homes, less support for our wonderful library, less support for each other.

Unfortunately, the progressive ownership of flats for use as short-term lets is impacting negatively on our Balfour Street community. In summertime, our Street is full of an ever-changing parade of strangers and traffic increases exponentially as rentals services firms seek to access the numerous rental flats to clean before they are handed over to the next guests. Parking becomes even more fraught and I often end up with a rental guest's big SUV parked outside my front gate or window. I don't feel comfortable sitting outside my own front door to have a cuppa and read my book with all the strangers going up and down. There is no privacy from them as they pass.

And then there's the noise they make in our usually quiet street. Drunken renters in the balconies opposite late at night - sometimes shouting down to people in Balfour Street below. Or younger renters playing music loudly and drunkenly hanging out at the sea wall. They can be rude - or intimidating- when politely asked to be quieter. They think they can behave however they like because they are on holiday.

In short, the whole atmosphere in Balfour Street changes when we are invaded by the stream of renters. It's risks creating a downward spiral for our Balfour street and local community. Please don't let that happen.

Please draw a line in the sand by saying there will be no more short-term rental licenses granted in Balfour Street. Please start by saying NO to the license application from 25 Balfour Street. Please help us preserve our community.

Kind regards,

Anne Stewart

Sent from my iPhone
NHS Coronavirus Information

[\[https://intranet.eastlothian.gov.uk/multimedia/1624/1624_250x83.jpg\]](https://intranet.eastlothian.gov.uk/multimedia/1624/1624_250x83.jpg)

From: [REDACTED]
To: [Licensing](#)
Cc: [REDACTED]
Subject: Fwd: Short-term lets and impact on local residents Ref. No: 23/00407/P
Date: 07 July 2023 11:19:05
Attachments: [C Stobie objection to number 25 3.7.23.docx](#)

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

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Ref EL00081N
25 Balfour St

We are forwarding this letter, expressing our concerns re Number 25 Balfour At and the recently granted Planning Permission, to you as they are now at Licensing Application stage and we strongly object to this too.

These premises use communal waste and recycling at the back of the building and as far as we understand there is no manager nor any commercially designated waste management in place, which means permission should not be granted on those grounds alone.

We would like you to read our other concerns below and to respond to this email as soon as convenient. This week, we have lost several nights' sleep owing to adjacent holiday flat occupants' anti-social behaviour.

Please take all this into account when granting licenses in future.

Yours sincerely
Carol Stobie, [REDACTED]

3 July

Dear Mr Dingwall

Planning decisions on short-term let applications in North Berwick: Ref. No: 23/00407/P

As a permanent local resident of Balfour St (surrounded by holiday lets), I attach a letter outlining our serious continuing concerns about planning decisions on short-term lets in North Berwick.

I look forward to hearing from you.

Yours sincerely

3 July 2023

Dear Mr Dingwall

Regarding: Ref. No: 23/00407/P

As residents of Balfour Street for 20 years, I am profoundly concerned over plans for the use of 25 Balfour Street as yet another short-term let in the street. We were on holiday at the time the initial decision was made; we regret we did not realise the opportunity to object had passed, and deeply disagree with the decision.

When we and other Balfour St neighbours were consulted last September about the preponderance of holiday lettings here, thanks to the North Berwick Environment and Heritage Trust, we gained the impression that our views would be taken into consideration. This decision contradicts that impression.

We are deeply disappointed at the enormous spread of holiday rentals in this area. When we first moved in, there were far fewer in the street overall. There was much more sense of community and, at that time, a number of families bringing up children here, like us. It is unrecognisable now. While we recognise that the location of Balfour Street makes it an attractive destination for holiday-makers, perhaps there is a lack of understanding of how living in a street where many of the properties have no permanent occupancy presents a range of problems, and has profoundly affected the quality of life here.

As an example, in No. 15, the sole permanent residents have borne the brunt of the noise, irregular sleeping hours, lack of consideration for neighbours and impact on cleanliness which is often caused by holiday-makers in the other three flats (15A, 15C, 15D).

Even where the flat is main-door entry, nearby neighbours are affected by holiday occupants using the back gardens for smoking and late-night, loud conversations or returning at unsociable hours. This disrupts the sleep of adjacent permanent residents - who may be families trying to get small children to sleep, working people who have to get up early in the morning, or even vulnerable elderly occupants frightened by the disturbance.

We realise that Number 25 is a main-door flat, but many of the issues above still arise for adjacent neighbours, from recycling to noise pollution. We have nearly lost the whole sense of a permanent community in this street.

We know that supposed "economic benefits" from holiday lets are cited in support of granting permission for short-term lets – these take place generally in holiday seasons, so most of the flats lie empty the rest of the year, which is equally undesirable and an appalling waste of much-needed accommodation. We have seen no clearcut evidence that these lets contribute more to the local economy than day visitors or hotel guests (who are more likely to eat out, for example), nor that this outweighs the long-term benefits of prioritising permanent residence. There has to be a limit on the spread of holiday lets - surely we have far more than enough in the town now.

Granting these permissions fail to take into consideration their consequent social impact. We also believe the longer-term economic impacts of permanent occupancy should be given more consideration, such as neighbourly mutual support, participation in local groups, long term consistent business for local shops, improved potential take-up of hard-to-fill vacancies or even generating new business which could contribute to the local economy.

We are also worried about the severe lack of available accommodation for younger people in the area, as holiday flats proliferate across the town and drive up overall property costs. A ground-floor flat such as Number 25 could also have been invaluable for a new resident with mobility issues. Where is the justification for these homes lying empty for most of the year, denied to prospective local residents? They generate income almost exclusively for their owners, most of whom live well outwith the town and do not pay council tax here, yet expect to use council waste management services for free and profit from the discomfort of the few remaining local residents.

We have had enough of this deeply depressing situation in Balfour St and hope this application and other new STLs in this street are firmly rejected. We feel the cohesion of the street and area, plus overall local well-being and indeed local economic benefit could be much better addressed by prioritising longer-term occupancy instead.

Please let us know how you will take these views into consideration, as we believe was promised.

Yours sincerely

Carol Stobie

Balfour St, North Berwick

From: [Planning \(NOT FOR PUBLIC ENQUIRIES\)](#)
To: [Licensing](#)
Subject: FW: Planning application
Date: 10 July 2023 10:14:53

Hi

Please see below objection. This just come to our mailbox last night. Apologies if I have re sent previous ones.

Thanks
Kirsty

Planning Admin Team
East Lothian Council , John Muir House, Haddington EH41 3HA
Tel No 01620 82 7216
Email environment@eastlothian.gov.uk

-----Original Message-----

From: Joyce Surfleet [REDACTED]
Sent: 09 July 2023 19:12
To: Planning (NOT FOR PUBLIC ENQUIRIES) [REDACTED]
Subject: Planning application

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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.

I have just been informed by a neighbour that a planning application has been submitted for a licence for a short term let at 25 Balfour Street North Berwick.

I find this incredibly disappointing for the reasons listed below:

- A large number of holiday homes and rentals already exist in Balfour Street and the Quadrant.
- My TEN nearest neighbours are holiday homes or rentals.
- This takes the heart out of our local community and has an impact on people being able to buy homes in their local area.
- There is often anti social behaviour associated with these rentals and just this week a group of young male golfers in a top floor flat had wide open windows for the length of their stay and were extremely noisy. Heard by the whole street but even more disturbing for the residents living below. They also threw items out of the windows and had to be asked to desist. This is just one example of numerous incidents.
- Many of these flats leave their green bins in Quadrant Lane (often overflowing) leaving residents to clear up the mess and taking up much needed parking spaces.

Although I live in the Quadrant my back gate opens into Balfour St and we are directly affected by the points listed above.

I would appreciate if the above is taken into consideration when considering the application.

Joyce Surfleet
[REDACTED]

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 of a Licence to operate a Short-Term
Let (STL) at Papple Steading, Haddington, EH41 4QD

4B

1 PURPOSE

- 1.1 A licence application (Appendix 1) for the grant of an STL licence has been received from Papple Steading Ltd, to allow them to operate the properties at Papple Steading, EH41 4QD as a Short-Term Let (STL). The properties are:
- Papple Farmhouse – maximum occupancy 8
 - Grieve’s Cottage – maximum occupancy 8
 - Shepherd’s Bothy – maximum occupancy 2
 - Ploughman’s Bothy – maximum occupancy 2
- 1.2 Two objections from neighbours have been received on 14 May 2023 and 18 May 2023 regarding the Papple Steading accommodation. 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 objections, and to determine whether the STL licence application for Papple Steading, EH41 4QD 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 25 April 2023, and was dated 20 April 2023. Notices, under Paragraph 2 of Schedule 1 to the 1982 Act, were displayed at and around the property on 26 April 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 objections from Fiona Constable (Appendix 4) and Emma Waddle (Appendix 5). The objections generally concern:
- The fitness and propriety of the applicant
 - The location, character, condition and type of accommodation
 - Potential for antisocial behaviour
 - The impact on services, the environment, neighbours privacy
- 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 (Constable)
- Appendix 5 Objection (Waddle)

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

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 _____

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 (mm/yy)	Date to (mm/yy)

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 birth	Addresses (last 5 years)	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 PAPPLE STEADING LTD

Limited company number (if applicable) SC664963

First name and surname VERITY SINCLAIR

Registered or principal office address PAPPLE STEADING,

HADDINGTON, EAST LOTHIAN EH41 4DD

Tel. No. [REDACTED]

Email address [REDACTED]

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
GEORGE MACKINTOSH	[REDACTED]	[REDACTED]	[REDACTED]
ERIANNE MACKINTOSH			

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.
VERITY SINCLAIR	[REDACTED]			

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).

PART 3: PREMISES DETAILS

Premises Address RAPPLE STEADING. HADDINGTON

EAST LOTHIAN Postcode EH41 4DD.

Unique Property Reference Number (if known) 1236124133
1236124134

EPC Rating* C and F

**(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 10 Bed/Sitting rooms _____

Bathrooms 9 Kitchens 4

Lounges 4

Other (please specify) DINING ROOM, LIBRARY, STUDIO

Specify the maximum number of guests 20
(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	See East Lothian Council website ^{A390} Civic Licence Fees
Annual gas certificate (for premises with a gas supply)	Valid to: N/A
Electrical Installation Condition Report	Valid to: ✓ 24/05/26
Portable Appliance Testing Report	Valid to: ✓ 30/11/2023
Fire Risk Assessment	✓
Fire Service Safety Checklist	✓
Legionella Risk Assessment	✓ x 2
Planning permission (for premises within a control area or where requested by the licensing authority)	Planning application reference number: 17/00851/P
Floor plan	✓
EPC Certificate (for premises which are dwellinghouses)	Valid to: ✓ FEB 2030 & FEB 2033
Public Liability Insurance	Valid to: ✓ 18 th JULY 2023
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)	✓

I have: (please tick to confirm (or enter N/A))	
Identified the owners and those involved in the day-to-day management of my premises	✓
Ensured that to the best of my knowledge all those named on my application are fit and proper persons	✓
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.	✓
Applied for planning permission (if required).	N/A
Noted the requirement to display my licence number and EPC rating on listings for my premises	✓
Proof that furniture and furnishings/the furniture and furnishings guests have access to, comply with fire safety regulations	✓
Read and understood the mandatory conditions that will apply to my licence	✓
Read and understood the additional conditions that will apply to my licence	✓

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

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

VERITY SINCLAIR

Date

20/04/23

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).

Papple Steading Planning Ref 22/00485/P

Objection to Short Term Secondary Letting License

12.05.23

Dear Sir/Madam,

I am writing to raise an objection against the application for a short term let secondary license at Papple Steading EH41 4QD.

About me

I am the joint owner of the property at [REDACTED]

[REDACTED] We bought the property in 2012 as a home to semi-retire to and it is currently let on a private residential tenancy agreement, but we had a brief spell of short-term letting which taught me the hard way about the issues which holiday makers bring.

About the development

Mr Macintosh has developed the steading in two phases. The first phase of the development has been let out since summer 22 and offers 4 holiday lets for up to 20 people, with a further offer of a cart barn which is **partially open** offering activities for 60 people including football and table tennis.

Phase two of the development has planning permission (with conditions) for a further 9 holiday lets, a shop, a café for over 50 people, a sui generis bar, an auditorium to seat 150 people, conference facilities and a museum. **The nature and scale of this development will therefore have significant negative impacts on the local surroundings.**

One of the aims of licensing scheme set out by the Scottish Government is to assist with handling complaints and address **issues faced by neighbours effectively.**

The neighbours **have already faced several issues** relating to short-term letting to date and **these will be amplified and multiplied by Phase Two.** The holiday lets offer self-contained accommodation for 4-10 people, so **the total occupancy (13 units in total) is a real concern** to the local community who are **facing significant loss of amenity and social cohesion from this commercial development.**

In addition, **the churn created by up to 100 guests a week 360 days a year will bring significant negative environmental impacts.** The area has **valuable environmental capital** which the developer is exploiting. Papple Cottages and Little Papple are a group of residential properties in the heart of East Lothian countryside. All the fields surrounding the development and the cottages are owned by Papple Farm. The cottages are located within a Special Landscape Area – the Whittingehame to Deuchrie SLA (8) - as designated by East Lothian Council, and the development is adjacent to Papple Woods which form part of Biel Water Biodiversity Site.

Reasons for the Objection

There are reasonable grounds for this objection based on:

1.The applicant

Mr Macintosh has so far put through two extensive and detailed planning applications **without communicating these plans with the neighbours at any stage** and this has caused resentment and frustration within the local community. All that would be required would be for Mr Macintosh to walk 20 m across the road and to Papple Farm to the rear and put information through the letterboxes.

This has **never happened** and the latest notice for a short-term letting license only had the names of Mr Mackintosh and the manager Verity Sinclair **on a very small notice attached to a single post**. Failing to fully notify the neighbours about the extensive commercial development planned on their doorstep ignores the advice of the Scottish Government and should be simple **common courtesy towards the neighbours**.

Can the licensing board impose conditions which will result in the developer communicating regularly with his neighbours about his plans, so their voices are heard, and views exchanged?

The developer has already had private parties at which **fireworks** were in evidence and large **bonfires**, and he has created a **firepit** within the woods noted for their biodiversity. Noise and light pollution, cooking smells and fires all seriously affect the rich wildlife of the area which include badgers, owls, bats, hares, foxes and deer. There have been several roadkill incidents around the development and many episodes of careless driving since the development began. The **developer thinned Papple Wood without a felling licence which resulted in a warning letter from Forestry Scotland** earlier this year. This 'thinning' created space which allowed a good view of the accommodation, a giant plastic hare 'art installation,' various playground structures and a woodland walk – **none of which are conducive to a recognised Special Landscape Area and Biodiversity Site and all of which represent loss of amenity as well as demonstrating a lack of understanding of and consideration for nature**.

Can the licensing board impose conditions which will result in the developer working in harmony with nature and reducing the risk of fire? Can all bonfires, fireworks and barbeques be banned completely?

2. The location, character, condition, or type of accommodation

The current accommodation sleeps up to 20 people in 4 properties, one of which (Papple Farmhouse) sleeps 10 people. Phase Two will offer a further 9 self-contained properties sleeping approx. 4-6 people. The developer is **actively seeking large corporate groups** and an ongoing concern is that **this type of accommodation aimed at large groups** will also attract events such as weddings, hen and stage parties with the associated unwanted noise and anti-social behaviours completely unsuited to the local area. **The developer risks being accused of discrimination if he rejects applications for accommodation**.

How will the licensing board limit large groups and prevent the associated unwanted noise and anti-social behaviours completely unsuited to the local area created by them?

Can arrival and leaving times be restricted to working hours, with any evening events finishing by 10pm?

3. The possibility of undue public nuisance, public order or public safety

Phase Two includes an auditorium for 150 people which would lend itself to a wedding venue. In addition, **there are several outdoor courtyards from which sound carries, particularly as stone or equivalent hard surfaces may amplify noises and cause echo**. A noise survey from Sandy Brown in April 2022 measured the **current background sound level as 22dB which is described as 'barely audible'** - 15 decibels is the sound of a pin dropping. Currently, residents can clearly hear all manner of noise from the steading, loud voices, dog barking, machinery, cars, and delivery lorries coming and going, so open courtyards are a real concern. ***How will the licensing board license limit the impact of the noise these group celebrations would create especially from outdoor courtyards?***

Alcohol is implicated in an enormous amount of crime and disorder, including anti-social behaviour. **A sui generis bar is planned which could contribute to these unwanted behaviours**. People on holiday are not invested in the local area and are unlikely to consider the consequences of their behaviour. The high turnover of guests in short-term lets requires new people to learn and observe the proper behaviours and increases the chance of some people wilfully or negligently failing to behave appropriately.

How will the licensing board manage this 'sui generis' bar to prevent alcohol related unwanted behaviours? Should it be permitted?

4. The impact on privacy and security of neighbours

The constant presence of strangers in the local area is threatening to privacy and security and undermines the social cohesion of the local rural community. **Papple Steading has extremely limited space within its boundary and the likelihood of overspill onto the surrounding roads is high.** Guests staying at the facility can look directly onto residents' homes and gardens which represents a loss of privacy. The developer recently cut off branches from a tree in my garden without my permission and took it upon himself to cut back the deep vegetation along the verge fronting our property so exposing the boundary wall and making it less stable and secure. **This behaviour was completely unacceptable, intimidating and threatening. Residents have the right to privacy and to feel safe.** Animals graze in the fields all around the development and short-term letting requires new people to behave appropriately around them by keeping dogs on a leash for example.

How will the licensing board protect residents' privacy and security, as well as managing potential conflicts between guests and farming?

5. Impact on public services and residents' amenity

Holidaymakers produce **more household waste** than would be expected from residential use, leading to full or overflowing bins (leading to littering and vermin) and **regular pickups of waste from large HGVs.** 13 family sized properties will produce a lot of waste and recycling both daily and weekly.

This will lead **likelihood of increased noise and general disturbance from service vehicles arriving day and night.**

The **overcapacity of the site** raises further concerns about noise, congestion, and road safety.

How will the licensing board manage public services in order that residents will not experience increased noise and disturbance from delivery and waste services HGVs?

Can the licensing board set maximum occupancy at a level that minimises the impact on residents' amenity?

Thank you for considering my objection. There are **many conditions which could be added** to a short-term license for this sizeable development, which would help to protect residents' amenity and reduce the impacts created by a developer who is likely to place profit over nature and people.

Yours faithfully,

Fiona Constable

[Redacted signature block]

Short Term Lets

From: Licensing
Sent: 18 May 2023 15:59
To: Short Term Lets
Subject: FW: OBJECTION PLANNING REF 22/00485/P

From: Emma Waddle [REDACTED]
Sent: 18 May 2023 15:16
To: [REDACTED] Licensing <licensing@eastlothian.gov.uk>
Subject: OBJECTION PLANNING REF 22/00485/P

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.

Papple Steading Planning Ref 22/00485/P

MY OBJECTION TO SHORT TERM SECONDARY LETTING LICENSE

To whom it may concern

I would like to put forward my objection for the planning application for short term secondary license at Papple Steading EH41 4QD.

I own and reside at [REDACTED]. I moved to the area because of how quiet it was, such a beautiful escape from an otherwise hectic world, the wildlife, the darkness, the stillness which is so rare to find and this now is to be destroyed by a business man from the city who has come to our small place of outstanding natural beauty in order for him to capitalise on this and let's not kid ourselves MAKE MONEY!!!! It should not even be considered that this further planning go ahead, and this is my reason for my objection. We have had many noise issues since the 4 holiday lets have been operating since 2022, an endless amount of dead wildlife, illegal tree felling and untold amounts of litter and near misses with the increase in traffic. This proposed increase to 100 guests a week 360 days a year will bring significant negative environmental impacts and major negative health impacts on the residents who moved here to escape. In Papple you can hear a pin drop so the noise which would come from the endless celebrating and holiday makers at the Steading would have a huge impact, I have made bullet points of concerns which **MUST** be addressed.

- The impact on privacy and security of neighbours, strangers in the local area (6 cottages) especially when drink is involved.
- Increased noise levels, Papple is very quiet, you can hear a pin drop, we already hear everything from the steading, voices, music etc.
- Traffic, the roads are already too small for the tiny amount of traffic how will the infrastructure cope with more traffic?
- Light and noise coming from the steading, what time restrictions will be put on this, this is not fair to residents?
- Safety of wildlife and grazing farm animals
- Anti-social behaviour when the bar opens.

The applicant George Macintosh has never informed the residents of Papple of his intentions for further planning (nor in the past) this has caused some resentment and lots of frustration with the small community of 6 cottages. As a community we have been made to feel very unwelcome and are faced with hostility daily this is not acceptable and very unfair that our lives have been impacted and will continue to be impacted unless conditions are set for Mr Macintosh. We should have been informed about this earlier and given the correct amount of time to object, I have only seen the A4 piece of paper tied with string to a post on Mr Macintosh's land with no further details of dates etc and who to object to, is this even legal???? It seems that Mr Macintosh is above the law, even cutting down the neighbour's hedges and trees to make the roads seem wider for his venture to be approved!

I do hope you will consider the objections and the negative impact this money-making scheme will have on so many levels within Papple.

Kind regards

Emma Waddle.

Sent from my iPhone

NHS Coronavirus Information

**Keep using
Covid sense**

 NHS

gov.scot/coronavirus



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 1 Ivory Court, Langriggs,
HADDINGTON, EH41 4BY

4C

1 PURPOSE

- 1.1 A licence application (Appendix 1) for the grant of an STL licence has been received from Elizabeth Doig, to allow them to operate the property at 1 Ivory Court, Langriggs, Haddington, EH41 4BY as a Short-Term Let (STL).
- 1.2 Nine objections from neighbours have been received on between 8 and 19 June 2023 regarding various issues. 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 all objections, and to determine whether the STL licence application for Ms Doig 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 26 May 2023, and was dated 25 May 2023. Notices, under Paragraph 2 of Schedule 1 to the 1982 Act, were displayed at and around the property on 26 May 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 nine objections from neighbours (Appendices 4 to 12). The objections concern:

- Excessive noise / antisocial behaviour
- Security
- Parking
- Accessibility

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 (Chapman)
- Appendix 5 Objection (Craig)
- Appendix 6 Objection (Gemblés)
- Appendix 7 Objection (Lothian)
- Appendix 8 Objection (Oliver)
- Appendix 9 Objection (Ramage)
- Appendix 10 Objection (Richardson)
- Appendix 11 Objection (Will)
- Appendix 12 Objection (Woodhead)

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



CIVIC GOVERNMENT (SCOTLAND) ACT 1982

APPLICATION FOR GRANT / RENEWAL OF SHORT-TERM LET LICENCE

East Lothian Council
Licensing

26 MAY 2023

Received

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

Elizabeth Maria Caroline Doig

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 (mm/yy)	Date to (mm/yy)

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 birth	Addresses (last 5 years)	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).

PART 3: PREMISES DETAILS

Premises Address 1 Ivory Court, Langriggs, Haddington
Postcode EH14 4BY

Unique Property Reference Number (if known) _____

EPC Rating* _____

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

Please select the type of premises:

Detached House	<input type="checkbox"/>	Semi-detached house	<input checked="" type="checkbox"/>
Terraced House	<input type="checkbox"/>	Flat	<input type="checkbox"/>
Unconventional accommodation	<input type="checkbox"/>		

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

Self-catering	<input type="checkbox"/>	B&B	<input type="checkbox"/>
Guest house	<input type="checkbox"/>	Other form of home sharing	<input type="checkbox"/>
Home letting	<input checked="" type="checkbox"/>		

Specify the number of rooms within the premises used as:

Bedrooms 4 Bed/Sitting rooms 3

Bathrooms 2 Kitchens 1

Lounges 1

Other (please specify) _____

Specify the maximum number of guests 7
(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	See East Lothian Council website – Civic Licence Fees
Annual gas certificate (for premises with a gas supply)	Valid to: 10/5/24
Electrical Installation Condition Report	Valid to: 23/5/28
Portable Appliance Testing Report	Valid to: 10/5/24
Fire Risk Assessment	✓
Fire Service Safety Checklist	✓
Legionella Risk Assessment	10/5/24
Planning permission (for premises within a control area or where requested by the licensing authority)	Planning application reference number:
Floor plan	Attached
EPC Certificate (for premises which are dwellinghouses)	Valid to: 1/9/2032
Public Liability Insurance	Valid to: 4/6/2024
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)	n/a.

I have: (please tick to confirm (or enter N/A))	
Identified the owners and those involved in the day-to-day management of my premises	n/a.
Ensured that to the best of my knowledge all those named on my application are fit and proper persons	
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.	✓
Applied for planning permission (if required).	n/a.
Noted the requirement to display my licence number and EPC rating on listings for my premises	✓
Proof that furniture and furnishings/the furniture and furnishings guests have access to, comply with fire safety regulations	✓
Read and understood the mandatory conditions that will apply to my licence	✓
Read and understood the additional conditions that will apply to my licence	✓

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

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.

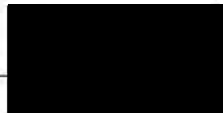
Anyone who gives false information on this form, or fails to provide the information required by this form, is committing an offence which could lead to prosecution.

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 _____

E. DOIG

Date _____

15/5/23

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).

East Lothian Council
Licensing

19 JUN 2023

Received

Dear Sir,

It has come to our notice that the owner of 1, IVORY COURT, LANGRIGGS EH414BY has applied for a short term let's license.

We are concerned about this for two reasons.

(1) Our garden and drive are adjacent to IVORY COURT and we are worried that owing to ~~the~~ the lack of parking space the entrance to our drive may be blocked.

(2) Since the house in question overlooks our garden we are concerned that, if

parties are held there, there may be
excessive noise.

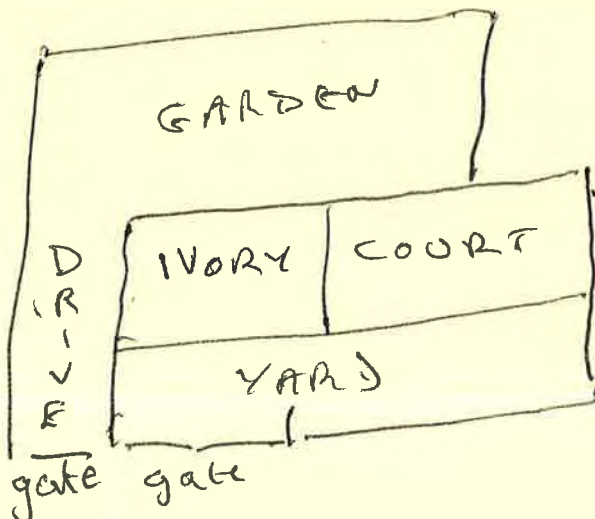
Yours Sincerely.



GRAHAM CHAPMAN



KAREN CHAPMAN



Licensing

From: barbara craig [REDACTED]
Sent: 16 June 2023 11:10
To: Licensing
Subject: Objection to short term lets licence 1, Ivory Court, Haddington

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.

Dear Sir/Madam

I wish to submit my objection to the application for home sharing/short term let application for 1, Ivory Court, Haddington, EH41 4BY.

I am a resident of Haddington and I am aware of the setting of this property. I feel that it would be grossly unfair to allow a short term licence for this property due, to the fact that it is placed within a private gated area with one other house alongside. The disturbance for this other property could be huge with many people entering the private gates and courtyard and having to pass the other house to get access to number 1.

The noise level also within the garden area could also potentially be problematic for all residents living nearby, notably the older people's flats directly to the back of this property's garden at Carlyle Court.

I feel that this type of let would have a detrimental effect on the area and would set a precedent for future applications. The setting is especially important due to the fact that the house concerned is in a small, very compact area, with one other family home, sharing driveway and pathway. As short term lets are being denied to shared access properties, this application should also fall under this criteria.

Yours faithfully

Barbara Craig
[REDACTED]

Licensing

From: Helen Gembles [REDACTED]
Sent: 13 June 2023 13:00
To: Licensing
Subject: Short Term Home Sharing and Home Letting Licence

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.

Dear Sirs

1 Ivory Court Langriggs Haddington EH41 4BY

I refer to the above property and have been advised that the owners have applied for a licence to let the property on a short term basis.

I live at [REDACTED] directly behind the property in a residential estate primarily for older residents.

I wish to object in the strongest terms to approval of a letting licence for this property as it will have an adverse effect on the quality of life for the residents on my estate. My upper flat is very close to the garden at the rear of the property and I will certainly be disturbed by any activities in the garden in the evening.

This property at Ivory Court is on a residential estate and should be for families and residents as a home not a business.

I very much hope that the Licensing Board will see common sense and refuse this licence.

Yours faithfully

Helen Gembles

Licensing

From: Wanda [REDACTED]
Sent: 16 June 2023 11:01
To: Licensing
Subject: Application for short term home letting at 1 Ivory Court court Haddington

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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.

Dear Sir/Madam

The above application for home letting was brought to my attention recently. I am sorry but I completely oppose this venture.

I have resided at [REDACTED] for over 13 years and I moved here because of health reasons. My personal objection is that my bedroom is only a stone throw away in fact just 2 metres from Ivory court which is divided by a boundary wall. I use my bedroom several times a day for resting. Most of the residents in the court are age between 70 and 97 and a good majority are frail and also are struggling with health issues.

If this venture is approved the noise levels are bound to increase and the peace and tranquility we have enjoyed will end and residents health in this court will suffer.

Please consider the residents of Carlyle Court before making a final decision.

Yours Sincerely,

Wanda Lothian (mrs)

Licensing

From: Trish Oliver [REDACTED]
Sent: 13 June 2023 17:01
To: Licensing
Subject: Application for short term and home letting at 1 Ivory Court, Haddington

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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.

Dear Sir/Madam,

I am a resident and owner of [REDACTED] and the above planning application has been brought to my attention by my fellow residents in [REDACTED]

I am very worried about the prospect of having a number of temporary residents 'coming and going' at 1 Ivory Court which is very close indeed to my bedroom and those of my neighbours in this community. Carlyle Court was built with the elderly in mind and the current age range is 70 to mid 90s. During my stay here of 51/2 years here, 5 residents have passed away following a period of 'end of life care' in their own homes during which time we, as neighbours, were aware and very mindful of the need for quiet ; any noise such use of the garden for weekend guests having barbecues etc has the potential to cause distress in such circumstances.

Along with my neighbours, I am also concerned about the security of our properties, which has the potential to be compromised as a greater number of people become more aware of the existence of our community.

I look forward to your reply, and I would be happy to further discuss this.

Yours sincerely,

Patricia Oliver

Licensing

From: Marina [REDACTED]
Sent: 13 June 2023 14:31
To: Licensing
Subject: Application for short term and home letting at 1 Ivory Court, Haddington

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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.

Dear Sir/Madam

As a resident owner of [REDACTED] it has come to my and other residents owners attention that application has been submitted to you for the above proposed letting.

We are extremely upset and concerned about this as most of our residents are elderly (age range 70 to mid 90's) and the court was mainly built with the elderly population in mind. Indeed, the planning consent for the development contains relevant age restrictions.

The main reasons for our concern is the close proximity to the back of our property where most of our bedrooms are situated. The distance from the common boundary wall to our bedrooms is less than 2 meters. Obviously the noise level could be both very disturbing and disruptive, particularly to the many who are very elderly and very frail and use their rest area a great deal. Increased noise and disruption could have a negative impact on their health.

There is also a concern about the continued security of our properties, given a potentially high turnover of users. While we can't pre- judge the users, there is undoubtedly a greater number of people who could be made aware of the existence of our community, and the vulnerability of its residents. This is a risk we would rather avoid.

I would be happy to discuss this would you and look forward to your reply.

Yours sincerely
Marina Ramage

Sent from my iPad

OBJECTION TO LICENCE FOR SHORT TERM LETS and/or SHARING

Applicant:- Elizabeth Doig

Location of Premises:- 1 Ivory Court, Langriggs, Haddington EH41 4BY

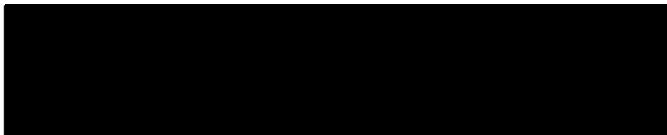
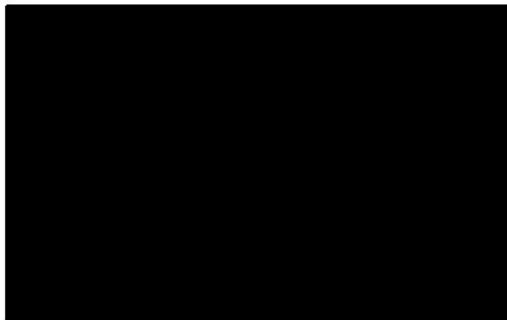
Reasons for objection

1. There is an extreme shortage of parking in Langriggs
(The entire length of Langriggs has "double yellow lines" but short term visitors will risk that.)
2. My neighbours on the south of my garden are the Sheltered Housing of the Beild with a huge need for carers who frequently have to park alongside my garden wall because of lack space on their road.
3. Residents in Langriggs were told that yellow lines had to be installed because of the possible call for emergency vehicles 24hours so we could not risk any more cars parked in the street.
4. Night access to Langriggs is restricted to longterm residents there, and is controlled by fobs. We would not be happy if there was widespread casual distribution of fobs to short-stay visitors.

This is not a suitable property for short-term casual visitors whose use of the area will cause problems for existing residents.

Objector:

MRS S.M. RICHARD SON



6th June 2023

East Lothian Council
Licensing

08 JUN 2023

Received

Short Term Lets

From: Licensing
Sent: 08 June 2023 15:02
To: Short Term Lets
Subject: FW: Short term lets license ,1 Ivory Court Langriggs Haddington EH41 4BY

From: Lorna Will [REDACTED]
Sent: 08 June 2023 15:01
To: Licensing <licensing@eastlothian.gov.uk>
Subject: Short term lets license ,1 Ivory Court Langriggs Haddington EH41 4BY

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.

My name is Lorna Will
 I live diagonally opposite the above property at [REDACTED]

I have sadly had experience of short term lets as neighbours when I lived in the centre of Edinburgh. Rowdy drunken stag parties, loud music, more cars and eventually a couple of prostitutes took it on as a lucrative base for their business.

All this in Cornwall Street directly behind the Usher Hall in a listed building.

If Ms Doig is planning to be living there and renting rooms long term in her permanent home ,there would hopefully not be any of the above , but there very probably would be extra vehicles around in an area where there is already great difficulty for residents to park and I envisage a great deal of conflict in this area.

Ivory Court is a very secluded private area and the thought of strangers coming and going after all the horrendous ASB problems I have had living in Langriggs, is very disturbing.

I really don't like this idea, perhaps she should sell , get a flat and free up her money that way, this plan could upset the local community, we've been through enough , drug dealers, domestic violence ,child abuse, general anti social behaviour. It's quieter now thank goodness, we don't need any more stress.

Regards

Lorna Will

NHS Coronavirus Information

**Keep using
 Covid sense**



@nhs/covidcoronavirus



2 Ivory Court
Langriggs
Haddington
East Lothian
EH41 4BY

To the attention of:

The Licensing Department
East Lothian Council
Brewery Park
Haddington
EH41 3HA

East Lothian Council
Licensing
14 JUN 2023
Received

14th June 2023

Dear Sir/Madam,

In reference to the application for short-term Home Sharing and Home Letting by the new owner of No.1 Ivory Court, Langriggs, Haddington, EH41 4BY, we write to oppose this application as it is not an appropriate proposal on the following grounds: **Location, Shared Access, Parking, Safety/Security, Disturbance/Noise, Unloading/Loading and Rubbish/Recycling.**

Location

The two attached houses No. 1 and No. 2 Ivory Court are a 2 House Development within a private shared yard in the residential area of Langriggs, Haddington see **Document No. 1.** Carlyle Court sheltered housing for the elderly and infirm is adjacent to the rear living area and garden of No. 1 Ivory Court. Transient neighbours and travellers arriving all hours, anytime of day in relation to disturbance and late nights is not appropriate for this kind of house within this residential location. Sheltered gardens and homes surrounding the property would be at risk of noise, disturbance and parking issues.

Shared Access and Layout of Ivory Court

For an overview of the layout please see **Document No.1 our Title Deed Boundary Map.** Our property [REDACTED] Ivory Court is highlighted in pink on the Deeds sheet and the shared access yard highlighted in blue. We have a Home Office/Storeroom at the southern boundary of the yard, and our house at the far northern end. In order to access our house we have to enter the shared private communal space through double brown gates from Langriggs see **Document No. 2.** This is the only entry and exit points to both properties of No.1 and No.2 Ivory Court.

Document No.3 shows the view as you enter the communally shared yard. To Access our property at [REDACTED] we have to walk past the garage and full front house dimensions of No.1 Ivory Court, a distance of approximately 14.65 metres. The dimensions of the yard at the southern widest point is 5.5m, and the width across the narrow point across from the front door of No.1 is 4.18m, please see **Document No.4.** The shared communal yard narrows to 2m. Once the entrance gates are closed, the yard is and private and secluded. Please see **Documents No.5 and Document No.6.** Our children [REDACTED] [REDACTED] play in the yard with friends from Primary and Secondary school ages.

SemiChem Fire Exit

The Fire Exit for SemiChem is at the rear of the shared communal yard of the two properties, and they have a Right of Way through our yard for emergency and delivery purposes **Documents No. 3, 4 and 5**. Show this emergency exit and its location. We quote from the second Paragraph of Burden 1 on our Title Deeds: -

'There shall be reserved, to the Proprietors of the shop premises at 39 High Street, a right of access to and over the area of ground tinted green on the Title Plan, but said right of access shall be limited to the purposes of delivering goods to said shop premises and as an escape route in the event of fire or other emergency;'

The Store Manager has expressed her concern that any obstruction to this right of way at Ivory Court would affect employees fire escape route. The yard is kept free of obstruction but blocking this pathway by vehicle, bicycles, unloading luggage, sports equipment from short-term Home Sharing/Home Letting visitors who have no knowledge of how the logistics of the yard work, must be prevented. During an on-site meeting with Thomas Elliott of SemiChem's Property Department on the 13th June, we discussed the obstruction element to parking in the yard. He was of the opinion that one vehicle could allow space to exit should there be an emergency situation, however the space would need policing, something that cannot be assured. We address the complexities of parking at Ivory Court below.

Parking

Due to the complexities of the parking arrangements and layout of the two houses at Ivory Court, we have to closely co-exist. Communication between our two attached properties to facilitate parking in front of our gates is vital because we have to have access to our van and car for work on a daily basis. We have to park our van outside the home office/storeroom, which means that we park the family car in the position in front of our access gate as shown in **Documents No.7 and No.8**. Parking within the shared yard is logistically unworkable and will also obstruct SemiChem's Right of Access. Parking at Ivory Court is a very complex situation. No.1 Ivory Court has been changed to work as 4-bedroom property; this means multiple vehicles arriving.

Parking on Langriggs is severely restricted within the residential area and is a huge problem for residents. Any further pressure on this will intensify the problem and spill out further onto Langriggs and the Butts where access for Emergency vehicles is paramount. We detail the parking bays that are available to both Langriggs residents and visitors, as well as shoppers on the High Street see **Document No. 9**. 90 minutes parking restrictions Mon- Sat are in place. Lack of available parking means people are using the double yellow lines **Document No.10**. and parking bays are in high demand see **Document No.11**.

Loading/Unloading

The area outside of our gates at Ivory Court is surrounded by Double Yellow Lines onto Langriggs. Boots delivery yard is adjacent to our gates and they require constant access for their deliveries, which are often articulated Lorries struggling to turn and manoeuvre. The store manager at Boots has expressed his strong concerns. Arrival, leaving and unloading in front of our gates will cause extra disruption with unloading and loading of equipment for example bikes, surf boards, shopping and suitcases. The nature of our work means we are moving large framed glazed paintings into and out of our vehicles on a regular basis, so it is imperative that the yard and gates are kept clear to enable us to operate.

Safety and Security

On a site visit by Thomas Elliott from The Property Department of SemiChem on the morning of the 13th of June, he pointed out a restriction of Emergency vehicles access should there be obstruction within the yard by those not familiar or caring about the building. From a residential safety point of view and considering that the shared yard is our only fire exit point, we are extremely concerned as to how the emergency services would access our property in such a circumstance. The nearest Fire Hydrant is approximately 45metres away from our entrance/exit gate.

We as a family will feel extremely insecure with strangers of short-term Home Share and Home Let coming and going and staying next door within our enclosed shared yard as we will never know who is occupying the neighbouring house. This will leave our family in an uncertain set up.

We would find it difficult to go to work knowing we leave our children to come home after school. Our children and their friends play in the enclosed yard unsupervised but when we are away from our house working, there will be no one to monitor what is going on behind the private gates. The yard continues and passes our house to the end of our property without a boundary. When we are absent from home we are very concerned for the security of our property as there is no clear denomination between the two properties. The two attached houses are often mistaken as one house by post man/women, couriers and visitors.

Rubbish and Recycling

Within our small shared contained yard regular attention to the dealing and build-up of rubbish and recycling is essential. We have strong concern that this will break down because of changeover of occupants and will be hard to maintain should a Short-Term Let license be granted. We have a history of rats.

Display of short-term letting application

We are disappointed that the owner of 1 Ivory Court had not correctly displayed her application correctly from the 26th of May until 6th of June to the public as stated in your notice, we quote: *'This notice must be displayed on or near the short-term let property in a position where it can be easily read by the public.'* The application had been taped in a plastic sheet whereby the 2nd sheet that holds all the important information such as dates and contact details for the council was hidden. It was displayed on a lamppost where only us and No.1 pass. We had several neighbours asking where to write to.

To elaborate on a personal note.

The mentioned application has really shaken us and is jeopardising our feeling of a secure home and community here at Ivory Court. We would like to stress the following issues for you to kindly also consider:

- **Wellbeing and family life:** The licencing for short-term Home Sharing and Home Letting will have a huge detrimental impact on our wellbeing and daily family life and to our profession as artists living here. Our homelife has been happy and secure for the last 13 and a half years something that is of utmost importance for us as creative people.
- As self-employed artists we work often from home using also our home office within the shared yard. On a regular basis, we are regularly going between our house and home office.
- **Security and Safety:** We will never know who is occupying the neighbouring house with its multi occupancy use. The privacy and seclusion of the enclosed gate access is what attracted us to purchase No.2 Ivory Court in December 2010. The implications for the Emergency services accessing our property at all hours of the day and night is crucial.

- **Noise, disruption and disturbance** Our kitchen, conservatory, living room and garden patio are attached/next to the rear of No.1 Ivory Court. Two of our bedrooms face out the back where the garden patio and living are of No.1 is. One of the bedrooms which our youngest and middle son share, face the shared yard. The disruption of transient neighbours and travellers arriving and leaving all hours in such an enclosed setting is not appropriate. Our middle son is studying for his National five exams and our eldest his Advanced Highers next year.
- **Our Home:** We have sought advice from an Estate agent who confirmed that the saleability of our house will be negatively affected should the short-term licence for No. 1 Ivory Court be approved.

To summarise

There are of course places where short-term Home Sharing and Home letting are perfectly appropriate but we feel strongly that No. 1 Ivory Court is not the right house nor the right location on the grounds of **Location, Shared Access, Parking, Safety/Security, Disturbance/Noise, Unloading/Loading and Rubbish/Recycling.**

We are disappointed and extremely concerned that despite asking the owner, this application has been made without consideration for ourselves a [REDACTED] and the Langriggs community as a whole. Given the location and complexities of the situation we respectfully suggest that members of the Committee and Licencing should visit Ivory Court.

We have enclosed photographs and diagrams of our location to support our objection as well as a list of names and signatures of members of both the Langriggs and Carlyse Court community who oppose this application see **Document No. 12.**

Yours faithfully,

[REDACTED]

[REDACTED]

Mr and Mrs D Woodhead

Document No. 1

Our Title Deed map of our property. Our buildings of [redacted] are highlighted here in pink, and the shared private communal yard highlighted blue.

DOCUMENT No. 1



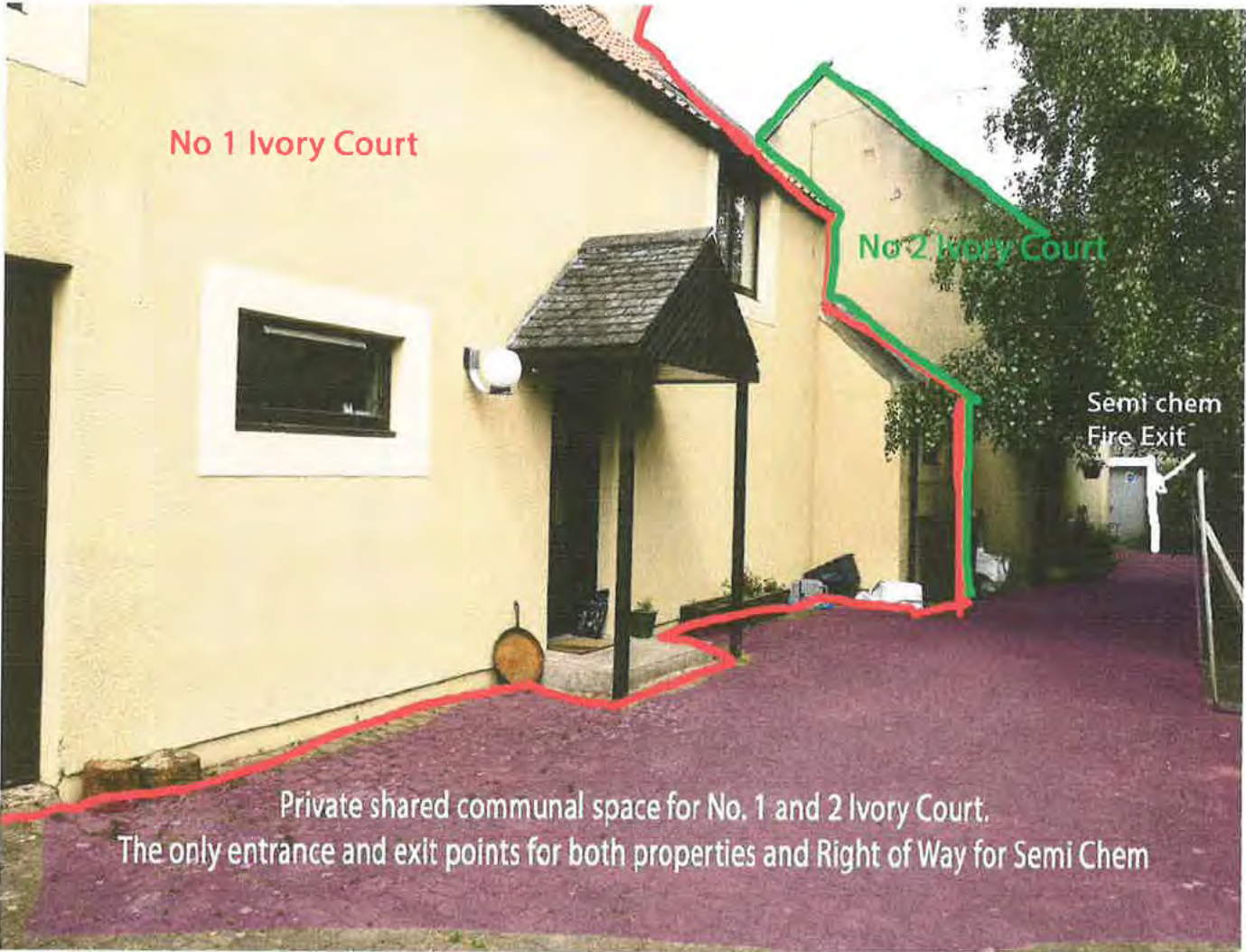
Document No. 2

The only entrance and exit gates of No.1 and No.2 Ivory Court, Langriggs, Haddington, EH41 4BY.



Document No. 3

The view looking into the private shared yard after entering the double brown gates from Langriggs, showing the full frontage view of No.1 Ivory Court, the full length of 14.65m that we have to walk past in order to enter and exit our property of [REDACTED]



Document No. 4

Diagram showing the plan of both Ivory Court properties, with measurements of the shared private communal yard labelled.

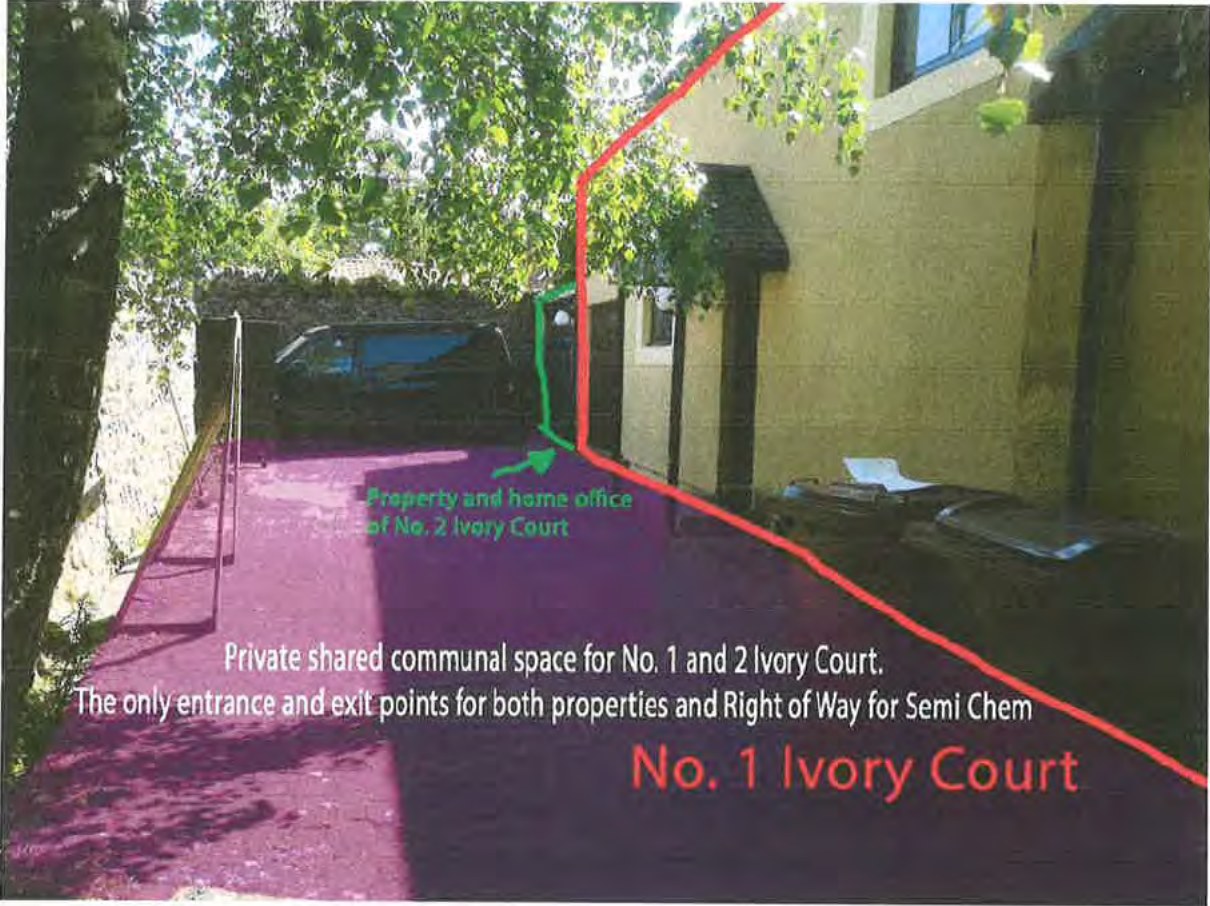


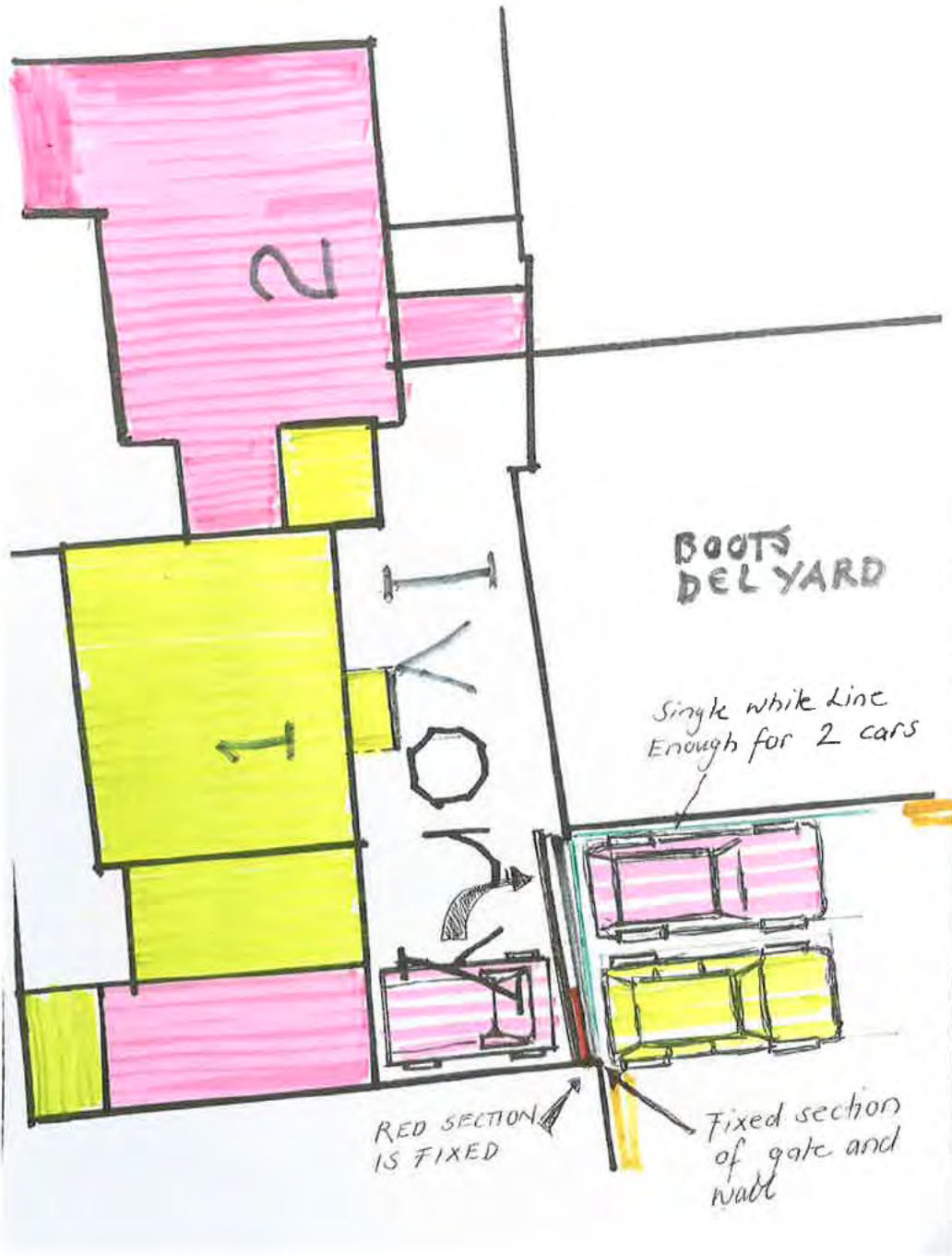
Document No. 5

View along the communal shared yard showing the end of the property of No.1 Ivory Court, the doorstep of our property of [REDACTED] and the location of the Emergency Fire Exit and delivery door of SemiChem. Please note the small window visible above the brown bins is the 4th bedroom of No.1 Ivory Court.

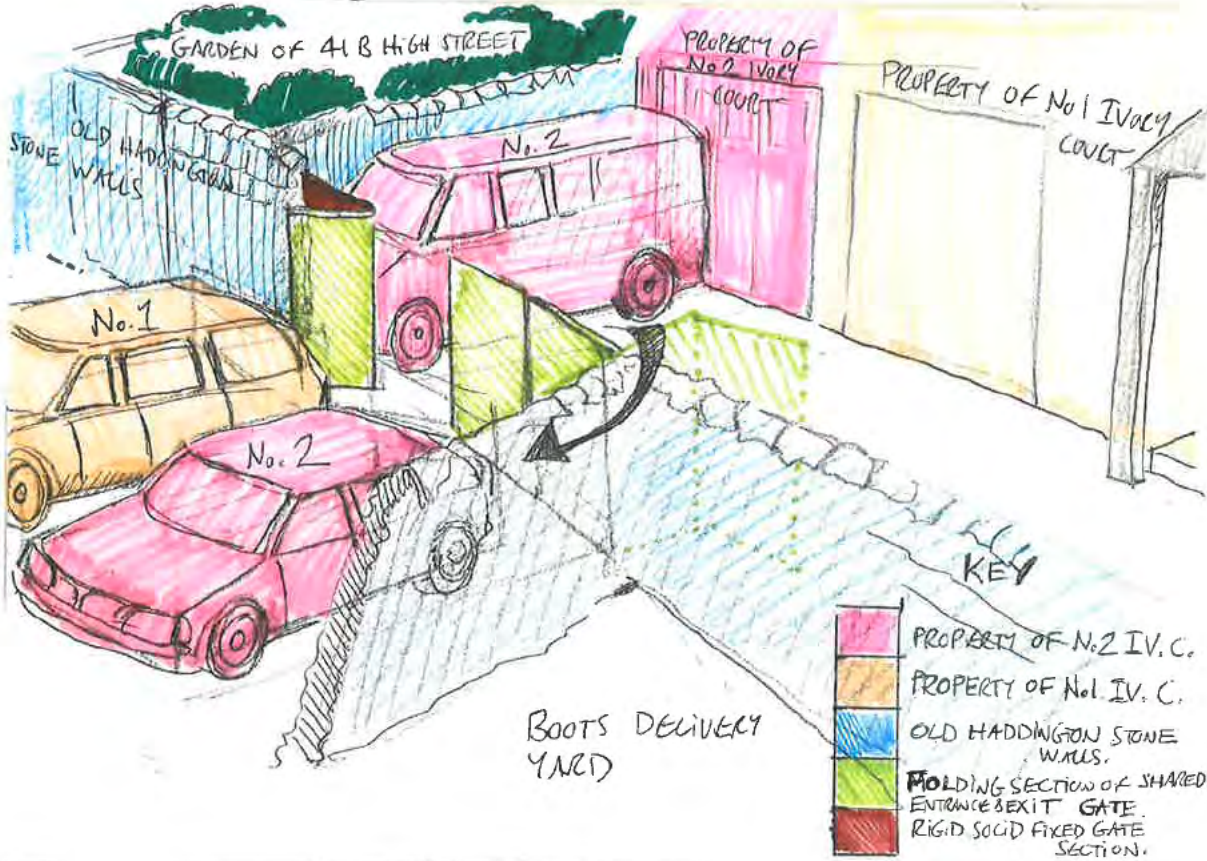


View Southwards through our shared communal private space showing the location of our Home Office and Storeroom in relation to the yard and No.1 Ivory Court.

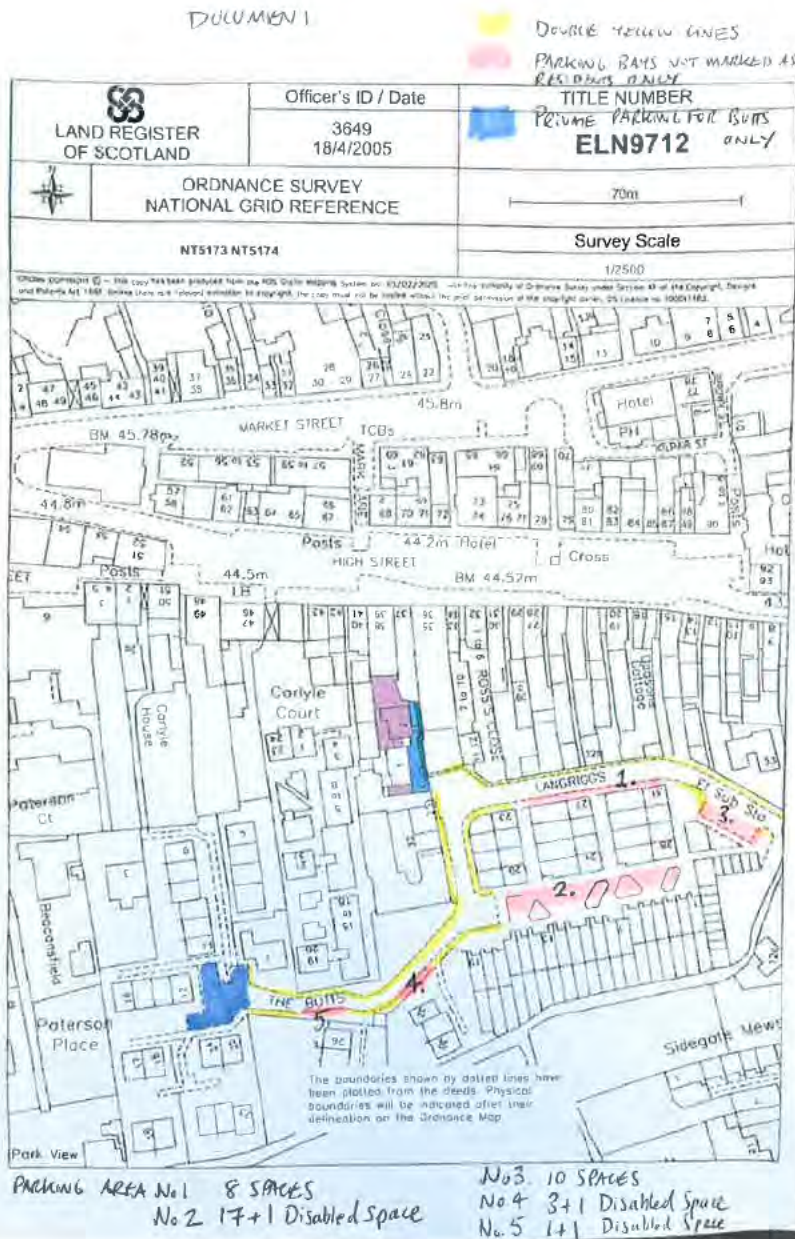




Document No. 8
 Drawing showing No.1 and No.2 Ivory Court and parking.



Map showing a brief view of the available parking bays, double yellow line restrictions and location of No.1 and No.2 Ivory Court, Langriggs.



Here we show the current parking bays situated along Langriggs and the positioning of Double Yellow lines, as well detail the numbers of spaces available which can be used by both Langriggs Residents as well as visitors and shoppers to the High Street. We have marked out in yellow the double lines along Langriggs, marked and numbered the parking bays available to residents in red, purple shows the private spaces for The Butts.

- Parking area No.1 has 8 Spaces.
- Parking area No.2 17 spaces plus 1 Disabled Space
- Parking area No.3 10 spaces
- Parking area No.4 3 spaces plus 1 Disabled Space
- Parking area no.5 1 space plus 1 Disabled space.

A Total of 39 parking spaces and 3 disabled spaces available on Langriggs



Lack of available parking on Langriggs means parking on double yellow lines



Signatures of surrounding residents who object to the License proposal for a short-term Licence for home sharing and home letting for the property of 1 Ivory Court, Langriggs, Haddington, EH41 4BY due to the following 1. Access 2. Location 3. Parking 4. Disturbance/Noise 5. Unloading/Loading

Name	Address	Signature	Date	1	2	3	4	5
S. MARTIN	[REDACTED]	[REDACTED]	10/6	✓	✓	✓	✓	✓
MEL CAMPBELL LORNA WILL	[REDACTED]	[REDACTED]	10/6		✓	✓	✓	✓
Ross Allan	[REDACTED]	[REDACTED]	10/6		✓	✓	✓	
M. Robertson	[REDACTED]	[REDACTED]	10/6		✓	✓		
Neil Brown	[REDACTED]	[REDACTED]	10/6		✓	✓		
John Street	[REDACTED]	[REDACTED]	10/6		✓	✓	✓	✓
Neville McQuinn	[REDACTED]	[REDACTED]	10/6		✓	✓	✓	✓
Patricia Oliver	[REDACTED]	[REDACTED]	10/6		✓	✓	✓	
MARINA RAMAS	[REDACTED]	[REDACTED]	10/6		✓		✓	
Steve Craig	[REDACTED]	[REDACTED]	10/6		✓		✓	
Ann Hughes	[REDACTED]	[REDACTED]	10/6		✓		✓	
S.	[REDACTED]	[REDACTED]						
ELIX WATSON	[REDACTED]	[REDACTED]	10/6	✓	✓	✓	✓	✓
Helen C.	[REDACTED]	[REDACTED]	10/6		✓		✓	
Sylvie Tait	[REDACTED]	[REDACTED]			✓		✓	
Diana Lott	[REDACTED]	[REDACTED]	11/6/23		✓		✓	
Ms. GIBSON	[REDACTED]	[REDACTED]				✓	✓	✓
MRS SUGNEY	[REDACTED]	[REDACTED]	11/6/23		✓	✓		
S. Gordon	[REDACTED]	[REDACTED]	12/6/23	✓	✓	✓		✓
A. Hunt	[REDACTED]	[REDACTED]			✓	✓	✓	

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 of a Licence to operate a Short-Term
Let (STL) at 68 Craighall Drive, Musselburgh, EH21 8FN

4D

1 PURPOSE

- 1.1 A licence application (Appendix 1) for the grant of an STL licence has been received from Dagmawi Orion Debench, to allow them to operate the property at 68 Craighall Drive, Musselburgh, EH21 8FN as a Short-Term Let (STL).
- 1.2 Six objections/representations from neighbours of the STL have been received between 16 May 2023 and 29 May 2023. 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 objections/representations, and to determine whether the STL licence application for 68 Craighall Drive, Musselburgh, EH21 8FN 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 1 May 2023, and was dated 1 May 2023. Notices, under Paragraph 2 of Schedule 1 to the 1982 Act, were displayed at and around the property on 1 May 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 objections/representations from six neighbours (Appendices 4 to 9). In general, the objections/representations concern:

- Contradiction to the title deed
- The family-focused nature of the community
- Potential for antisocial behaviour

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 (Grosvenor)
- Appendix 5 Objection (Kempton)
- Appendix 6 Objection (Neill)
- Appendix 7 Objection (Smith)
- Appendix 8 Objection (Savege)
- Appendix 9 Objection (Anonymous)

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

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

APPLICATION FOR GRANT / RENEWAL OF SHORT-TERM LET LICENCE

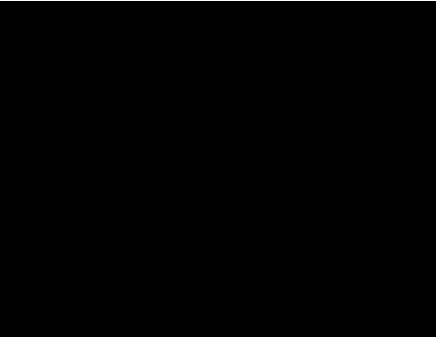
PART 1: ABOUT YOU

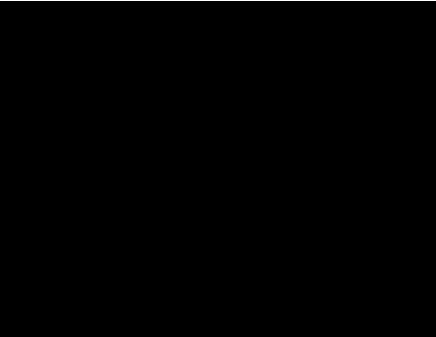
Are you applying as an individual or corporate entity?

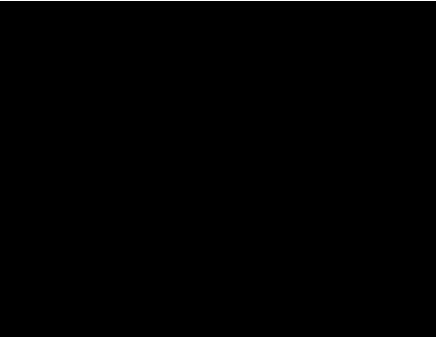
Individual Corporate Entity

Fill in if you are applying as an individual:

Your full name DAGMAWI ORION DEBENCH

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 (mm/yy)	Date to (mm/yy)

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 birth	Addresses (last 5 years)	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).

PART 3: PREMISES DETAILS

Premises Address 68 CRAIGHALL DRIVE

MUSSELBURGH

Postcode

EH21 8FN

Unique Property Reference Number (if known) _____

EPC Rating* BAND B (89)

** (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 3 Bed/Sitting rooms 1

Bathrooms 3 Kitchens 1

Lounges _____

Other (please specify) The kitchen has a large dinner/lounge area

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

Detached House:

- Maximum occupancy per unit= 8 people

- Total maximum occupancy= 8 people

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	See East Lothian Council website – Civic Licence Fees
Annual gas certificate (for premises with a gas supply)	Valid to: 30/11/2023
Electrical Installation Condition Report	Valid to: 2032
Portable Appliance Testing Report	Valid to: 03/2025
Fire Risk Assessment	✓
Fire Service Safety Checklist	✓
Legionella Risk Assessment	✓
Planning permission (for premises within a control area or where requested by the licensing authority)	Planning application reference number: N/A
Floor plan	✓
EPC Certificate (for premises which are dwellinghouses)	Valid to: 08/12/2032
Public Liability Insurance	Valid to: 31/03/2024
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)	N/A

I have: (please tick to confirm (or enter N/A))	
Identified the owners and those involved in the day-to-day management of my premises	✓
Ensured that to the best of my knowledge all those named on my application are fit and proper persons	✓
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.	✓
Applied for planning permission (if required).	N/A
Noted the requirement to display my licence number and EPC rating on listings for my premises	✓
Proof that furniture and furnishings/the furniture and furnishings guests have access to, comply with fire safety regulations	✓
Read and understood the mandatory conditions that will apply to my licence	✓
Read and understood the additional conditions that will apply to my licence	✓

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

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

DAGMAWI ORION DEBENCH

Date

01/05/2023

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

From: Amy Lee Grosvenor [REDACTED]
Sent: 25 May 2023 11:48
To: Licensing
Subject: Objection for short term let license

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.

Hello,

I'm emailing about the application for 68 Craighall drive, Musselburgh EH21 8FN short term let license.

When we signed the deeds for a house in this development, it states "Each Dwellinghouse and Unit is to be used and occupied as a private dwellinghouse and may not be sub-divided or occupied by more than one family at a time". So this applies for number 68 as well.

This is a new build area and is meant to be a quiet, friendly neighbourhood occupied by families and permanent residents. Having short term lets goes against why we have bought a house in this area. We don't want a high turnover of residents in the area or there to be excessive people/noises coming from a house.

My name is Amy Grosvenor, address [REDACTED] And I am signing on behalf of myself and my husband Adriano Calvitto who I bought the house with and live with.

Thanks,
Amy

Short Term Lets

From: Licensing
Sent: 24 May 2023 15:49
To: Short Term Lets
Subject: FW: FAO Licensing

From: megan kempton <[REDACTED]>
Sent: 24 May 2023 15:41
To: Licensing <licensing@eastlothian.gov.uk>
Subject: FAO Licensing

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.

FAO Licensing, John Muir House

Proposed short-term lets license for 68 Craighall Drive, Musselburgh, EH21 8FN

Whom this may concern

I am writing in regards to the above licensing application. I have read the notice given and live on the Burgh Gate estate.

I wish to object strongly to the approval of a short-term license for the above address for the following reasons:

- In Title Deeds, Deed of Conditions 25.3 it states; "Each Dwellinghouse and Unit is to be used and occupied as a private dwellinghouse and may not be sub-divided or occupied by more than one family at a time." Given this statement, the use of short-term lets in the estate seems to go against the title deeds given.
- It is a new estate with young children and families located on it, we wouldn't want this new estate to be filled with a flurry of different people coming-and-going.
- It is disappointing that this property seems to have been purchased for the sole purpose of using this for a short-term lets. There is a lack of housing in East Lothian and allowing a brand new house to be used for short term letting will encourage further properties to be bought for letting out, reducing the stock of houses for those who would use them as a home full-time.
- If this was used for a short-term let such as an AirBnB or possibly additional student accommodation (as near Queen Margaret University), this causes concerns in regards to noise or nuisance.

I hope you can understand the above concerns and reasons for objection.

Kind regards

Megan Kempton
 [REDACTED]

NHS Coronavirus Information

Short Term Lets

From: Licensing
Sent: 19 May 2023 07:02
To: Short Term Lets
Subject: FW: HMO/Let for 68 Craighall Drive, Burgh Gate, Musselburgh

From: corinne neill [REDACTED]
Sent: 18 May 2023 17:19
To: Licensing <licensing@eastlothian.gov.uk>
Subject: HMO/Let for 68 Craighall Drive, Burgh Gate, Musselburgh

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.

I write to raise my objection to the above. This is a newly built estate in its infancy and family orientated.

We own our property here in Burgh Gate and my daughter and her family have a Social Housing property on the estate with her two young children.

We are very concerned at the recent application for home sharing and home letting. We are aware that for this permission to be granted starts a precedence in the estate which we are all aware causes anti-social behaviour, vandalism, noise problems and cause a negative effect on our estate in which we want our young children and families to feel safe in their own community and not have to put up with renters who have no regard for property, outside space or community.

This is a new development in its infancy but establishing roots as a family neighbourhood and for a property to be let out we are losing a family dwelling house.

It is very clear that this property was bought with the sole purpose of letting out and the fact that notice of intentions and objections were placed obscurely intentionally so no one would see and therefore no objections placed

Whilst there is sufficient parking for residents, this property only has one small driveway and if it let out to numerous people, we then have a problem with parking in inappropriate spaces, ie on pavements whereby young parents would not be able to get past with prams, small children on bikes etc.

We also believe that this type of licence is inappropriate given that it clearly states in our Deeds of Condition:-

Rule 25 use, enjoyment and alterations to dwellinghouses of the Deed of Conditions by Persimmon Homes Ltd for Burgh Gate, Musselburgh states that:-

"25.3 each dwelling house and unit is to be used and occupied as a private dwelling house and may not be sub-divided or occupied by more than one family at a time."

This application does not abide by this ruling whatsoever.

I look forward to hearing your views on this matters.

Kind regards
Corinne Neill



NHS Coronavirus Information

**Keep using
Covid sense**



gov.scot/coronavirus



Licensing

From: Derek Smith [REDACTED]
Sent: 29 May 2023 23:37
To: Licensing
Subject: Representation - 68 Craighall Drive, Musselburgh EH21 8FN

[REDACTED]
Objection to application for home sharing and home letting licence.

Applicant: Dagmawi Orion Debench
68 Craighall Drive, Musselburgh EH21 8FN

Dear East Lothian Council Licensing,

Apologies for the lateness of this submission, I hope my views can still be considered. I was late becoming aware of the application due to the notice being displayed on the facing of the building overlooking a building site and not visible from any road that the public would use.

I am writing this letter to express my objection to the application for a short-term letting licence in the Persimmon Burgh Gate development. As a concerned resident and member of the community, I believe that granting such a license would have detrimental effects on the well-being of the neighbourhood and undermine the peaceful environment we have all come to appreciate.

A home share or short-term let property would lead to increased noise levels and a general sense of transience. This would directly contradict the family-oriented atmosphere in the area and goes against the developer's deed of conditions which states that "Each Dwellinghouse and Unit is to be used and occupied as a private dwellinghouse and may not be sub-divided or occupied by more than one family at a time".

The proposed short-term let accommodation would introduce a constant stream of temporary visitors to the area. This raises concerns about security, as the frequent turnover of occupants makes it challenging to monitor and regulate who enters and leaves the premises. Additionally, short-term lets often result in a lack of accountability and responsibility among tenants, leading to neglect of communal areas, increased waste generation, and a disregard for the local neighbourhood.

It is worth noting that the introduction of a short-term let property is incompatible with the original vision and purpose of the development. Prospective residents were drawn to this area with the understanding that they were investing in a peaceful and secure community conducive to long-term residential living. Approving this application would not only betray the trust of existing homeowners but also discourage potential future buyers who are seeking a stable and harmonious neighbourhood.

In light of these concerns, I kindly request that the applicant is not granted a licence. I ask you to prioritise the needs and interests of the existing residents who have chosen this area as their home, and who deserve a peaceful and sustainable living environment.

Regards,

Signed Derek Smith.

Derek Smith
[REDACTED]

Short Term Lets

From: Licensing
Sent: 16 May 2023 07:15
To: Short Term Lets
Subject: FW: Short-Term Lets Application

-----Original Message-----

From: Jo Savege [REDACTED]
Sent: 15 May 2023 19:51
To: Licensing <licensing@eastlothian.gov.uk>
Subject: Short-Term Lets Application

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.

Hello

Dagmawi Orion Debench
68 Craighall Drive, Musselburgh EH21 8FL

I am writing to object to the granting of the application for a Short Term Lets Licence for home sharing and home letting made for the above property.

The house is in a new housing development which has some years until completion. The community is in its infancy and a house with a transient population would not lend itself to be of benefit. It is unlikely the occupants would be invested in the care of the local community and would be more likely to come and go at unsocial hours. This has been demonstrated in other areas where short term lets exist and is the reason for the new legislation governing the housing sector.

In addition, there is a clause in the Deed of Conditions which states 'each dwelling house and unit is to be used and occupied as a private dwelling house and may not be sub-divided or occupied by more than one family at a time'. The application is seeking an arrangement which contravenes this.

Kind regards,

Jo Savege
[REDACTED]

NHS Coronavirus Information

[https://intranet.eastlothian.gov.uk/multimedia/1624/1624_250x83.jpg]

18 May 2023

Representation, in reference to a public notice of application for short-term lets licence in respect of 68 Craighall Drive, Musselburgh, EH21 8FN

Representation from:



Please note, I request that this representation is anonymised and my personal information removed before it is shared with the applicant. I do not give permission for my name, address, or email address to be shared with the applicant.

My family owns a property and currently resides at the development at Burgh Gate. We are concerned by the recent application for a short-term lets license for home sharing and home letting at 68 Craighall Drive.

The development at Burgh Gate is an establishing family neighbourhood and our objections are based on the loss of a family dwelling house and the associated negative social effects such a license may have on the establishing community:

- We are aware that the establishment of HMOs in a community can lead to problems such noise, vandalism, anti-social behaviour and do not believe this is appropriate in a family community, where very young children should be allowed to thrive.
- HMOs are known to have a negative effect on the character of neighbourhoods, causing the character of an areas to change. For example, this may include decreased social cohesion, less local activities taking place due to being temporary occupants. Again, not an optimal environment for our children to grow and develop social and community spirit.
- We have heard evidence that HMOs can attract a transient population who do not care for the neighbourhood, and this transient nature too can cause a breakdown in community cohesion.
- As an aside, we are aware that parking can be exacerbated by the introduction of HMOs. While there is sufficient parking for the properties built at Burgh Gate, the introduction of HMOs can lead to problems in this area too.

Further, we do not believe this type of license is appropriate or allowed within this particular development. Rule 25 —*Use, Enjoyment and Alterations To Dwellinghouses* of the Deed of Conditions by Persimmon Homes Ltd. for Burgh Gate, Newcraighall states that:

“25.3 Each Dwellinghouse and Unit is to be used and occupied as a private dwellinghouse and may not be sub-divided or occupied by more than one family at a time.”

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

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

AUTHOR'S NAME	Sheila Fitzpatrick
DESIGNATION	Team Leader – Licensing and Landlord Registration
CONTACT INFO	01620 820623
DATE	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).

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	<input type="checkbox"/>	Semi-detached house	<input type="checkbox"/>
Terraced House	<input type="checkbox"/>	Flat	<input checked="" type="checkbox"/>
Unconventional accommodation	<input type="checkbox"/>		

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

Self-catering	<input checked="" type="checkbox"/>	B&B	<input type="checkbox"/>
Guest house	<input type="checkbox"/>	Other form of home sharing	<input type="checkbox"/>
Home letting	<input type="checkbox"/>		

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 Assessed ✓
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 https://www.vrbo.com/en-gb/p1005312 Booking Sheet Examples Pre Oct 1 2022 attached

I have: (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"/>

My premises (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

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 14th 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]

REPORT TO: Licensing Sub-Committee
MEETING DATE: 14 September 2023
BY: Head of Corporate Support
SUBJECT: Taxi and Private Hire Car Licensing

5

1 PURPOSE

- 1.1 The purpose of this report is to allow the Licensing Sub-Committee to note:
- The updated conditions (Appendix 1) attached to Taxi and Private Hire Car (PHC) Drivers and Operators licences.
 - The Driver application guidance (Appendix 2) which has been updated with statutory requirements involving HMRC checks.
- 1.2 To make a decision on amending the age of Taxi and Private Hire Cars which can be licensed.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Licensing Sub-Committee approves the proposals outlined at paragraph 3.6.

3 BACKGROUND

- 3.1 Taxi and PHC Driver and Operator conditions have been updated in consultation with Legal Services, Transportation, Licensing, and Information Governance. The conditions have been separated in order that Electronic Security Systems, Dress Code and Advertising Policy, and Vehicle Conditions are stand-alone documents and the layout reduced in size.
- 3.2 Application form guidance has been updated to include the requirement that a renewal licence applicants have to provide licensing authorities with confirmation from HMRC that they have completed a 'tax check'.

- 3.4 Further updates to the application guidance include amendments to existing conditions which reflect operational changes but do not amend the condition.
- 3.5 Current policy on the age of licensable vehicles is as follows:
- Vehicles presented for grant of a new licence shall be no more than three years old (since date of first registration) on the date when the licence is granted.
 - Vehicles presented for substitution, including temporary substitution, on an existing licence:
 - (1) shall be no more than six years old (since date of first registration) on the date when the substitution on the licence is to take effect and
 - (2) shall not be older than the vehicle to be replaced as at the date or proposed date of substitution on the licence.
- 3.6 Following consultation with Transportation, the following proposal has been recommended:
- Zero Emission vehicles presented for grant of a new licence shall be no more than four years old (since date of first registration) on the date when the licence is granted.
 - Internal Combustion Engine (ICE) vehicles presented for grant of a new licence shall be no more than three years old (since date of first registration) on the date when the licence is granted.
 - Any vehicle present for substitution, including temporary substitution, on an existing licence:
 - (1) shall be no more than seven years old (since date of first registration) on the date when the substitution on the licence is to take effect and
 - (2) shall not be older than the vehicle to be replaced as at the date or proposed date of substitution on the licence.
- 3.7 The proposal to increase the age of substitution vehicles is in response to the current challenges faced by operators procuring vehicles.

4 POLICY IMPLICATIONS

- 4.1 This report has been assessed against the Policy Development Checklist and Purpose 1.1 has been classified as being an operational report. Purpose 1.2 will be a change to the existing policy on the age of vehicles which can be licensed.

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 None.

Appendix 1 – Driver and Operator Conditions

Appendix 2 – Application guidance

AUTHOR'S NAME	Sheila Fitzpatrick
DESIGNATION	Team Leader – Licensing and Landlord Registration
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DATE	26 July 2023



EAST LOTHIAN COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

**LICENSING CONDITIONS FOR TAXI AND
PRIVATE HIRE CAR DRIVERS**

Part 1	Interpretation of words and expressions
Part 2	Taxi and Private Hire Car Driver conditions
Schedule A	Vehicle Conditions
Schedule B	Dress code and Advertising policy
Schedule C	Electronic Security Systems

Part 1

NOTE: These conditions are in addition to the provisions of the Civic Government (Scotland) Act 1982 and any amendment thereto.

INTERPRETATION

Unless there is something in the subject or context inconsistent with, or repugnant to such construction, the following words and expressions in these conditions and their respective schedules have the following meanings respectively given to them

For the purposes of interpretation any reference to the singular shall include the plural and vice versa.

Any words used in these conditions or their respective Appendices should be given the meanings assigned to them in the Act, so far as applicable to Part II and Schedule 1 of the Act. In particular, where, in these conditions, any word is used which is defined in the Act and such definition is applicable in relation to “taxi” or “private hire car” as defined in the Act, the meaning of such word in these conditions shall be interpreted in accordance with the definition of the Act.

Subject to the foregoing the following words or phrases shall have the meanings set out below:-

Act – means the Civic Government (Scotland) Act 1982 as amended or any amending or replacement legislation governing the licensing of hire cars.

Approved - means unless explicitly stated to the contrary, approved by the Transport Compliance Officer or the Solicitor.

Assistance Dog - has the meaning set out in Section 173 of the Equality Act 2010 or any amending or replacement legislation.

Authorisation - includes any Licence, certificate, permit or registration.

Authorised Metered Fare - means any charge (whether described as fare, engagement fee, extras or otherwise) authorised and approved by the Council for publication in the Fare Table issued and amended from time to time, being the Fare Table or tariff which indicates and authorises the maximum charge payable for the use of a taxi (or private hire car which is fitted with a Taximeter) within the East Lothian local government area.

Authorised Officer - means a person, including the Transport Compliance Officer, Authorised Taxi Examiner and any Licensing Standards Officers (LSOs), authorised by the Council or the Police either generally or specifically to act in matters of any specified kind or in any specified matter relative to these conditions and the Act relative to taxis and private hire cars.

Transport Compliance Officer - means any person appointed by the Council to exercise the powers and carry out the duties of Transport Compliance Officer in terms of or by reference to these conditions, or any other person acting under the direct instructions or with the authority of the Transport Compliance Officer to ensure that these conditions and their Schedules and the terms of Part II of the Act are properly observed and implemented. Where there is a difference of opinion between the Transport Compliance Officer and any of the Transport Compliance

Officer's deputies or assistants the decision of the Transport Compliance Officer shall apply, and the term "Transport Compliance Officer" shall be interpreted accordingly.

Authorised Taxi Examiner – means a person appointed by the Council to exercise the powers and carry out the duties of Authorised Taxi Examiner in relation to the taxi testing criteria and standards set out within the schedules and Act.

Solicitor, Licensing - means the Council officer responsible for the management of Taxi/PHC compliance within the Council, and any officers delegated by said Council officer.

Commencement of Hire - a hire shall commence at the time the Hirer or passenger steps into the taxi or private hire car, and the hire shall end when the passenger either indicates that the hire has been terminated or offers payment of the fare. Where the passenger requires to exit the taxi or private hire car to source the fare from a remote location, the hire shall continue until the passenger is able to offer payment of the fare. However, where a taxi or private hire car has been called by telephone or other advance arrangement, the hire shall commence after the Driver has announced the arrival of the taxi or private hire car to the prospective Hirer or passenger at the place to which it has been summoned.

Complaints Notice - means a notice displayed which details how to make a complaint against the Driver or Operator of a Licensed Vehicle to the Council.

Constable - means any constable as defined in the Police (Scotland) Act 1967 (or any amending or replacement legislation) being a member of Police Scotland.

Contravention - in relation to any requirement includes a failure to comply with that requirement, and similar expressions shall be construed accordingly.

Council - means the East Lothian Council, incorporated under the Local Government Etc. (Scotland) Act 1994 and having its headquarters at John Muir House, Haddington, EH41 3HA its statutory successors.

Driver – means in relation to a taxi the holder of a current East Lothian Taxi Driver's licence and in the case of a Private Hire Car a Driver holding a current East Lothian Taxi Driver's licence or Private Hire Car Driver's Licence which without prejudice to the foregoing generality shall include a Licence Holder.

DVLA standards in relation to Group 2 licence holders – means the medical standards published by DVLA for group 2 licence holders or any equivalent replacement standard. These standards have been adopted by the Council and apply to the medical examination of all hire car drivers.

Enactment - includes any enactment (and any amendments thereof) contained in any Act of Parliament, Order, Regulation or other instrument issued by the UK Parliament or the Scottish Parliament affecting Scotland.

Engagement - means an agreement between any person and the holder of a taxi or private hire car licence or Driver (or their respective representatives) for the hire of a taxi or private hire car at a specified time and location and is also known as a booking.

Engagement Fee - is that sum so described in the Council's Fare Table which is payable in addition to the fare where, by telephone or other advance arrangement, there is an engagement for the hire of a taxi (or private hire car in which there is fitted a Taximeter).

Fare table - means the table of fares fixed by the Council to regulate the maximum metered charges for hires within East Lothian.

Hire - means the use of a taxi or private hire car for the purpose of uplifting a passenger from a stated location and conveying such passenger and their luggage to a specific destination and where the use of a taximeter is appropriate there is a requirement to pay for its hire (including an engagement fee where applicable) not exceeding the rate of such fares or fees authorised from time to time by the Council insofar as the journey is not illegal in terms of Section 21 of the Civic Government (Scotland) Act 1982.

Hirer - means the person who has instructed the Hire within the vehicle by advising the Driver of the intended destination or alternatively the person who has requested the Hire when the Hire involves the transportation of third parties.

Holder of a Licence - has the same meaning as Licence Holder.

Hours of Darkness - means the time between half an hour after sunset and half an hour before sunrise.

Information Commissioner's Office – means the UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals or such replacement body.

Licence - means a licence granted by the Council to any person for the purpose of operating a vehicle as a taxi or private hire car or for the purpose of driving the same as appropriate during the currency or validity of such licence.

Licence Holder - means a person who has been granted and holds a current and valid licence from the Council in terms of Part II of the Act to operate either a taxi or a private hire car unless otherwise stated.

Licence Plates – means the licence plates issued by the Transport Compliance Officer identifying licensed vehicles as hire cars which are required to be displayed in accordance with these conditions.

Licensed Area - means the East Lothian local government area.

Licensed - in relation to any taxi or private hire car, its owner or Driver, means having been granted an appropriate licence by the Council in terms of the Act and these conditions during the currency of such licence.

Licensed Vehicle - means generally the taxi or private hire vehicle licensed under a taxi or private hire car licence or any approved replacement vehicle which has been inspected and issued with a Certificate of Compliance by the Transport Compliance Officer unless otherwise stated.

Luggage - includes all items which the hirer or passenger wishes to be carried in the hire vehicle, whether this is their own personal baggage for the journey, or being carried for business or otherwise, and shall also include Assistance dogs or animals or pets carried in an enclosed carrier, which reasonably may safely be accommodated within the vehicle.

Maintenance - includes repair, and “maintain” shall be construed accordingly.

Motor Vehicle - has the meaning assigned to it by the Road Traffic Act 1988 or any amending or replacement legislation

Notice - means a notice in writing.

Passengers – means any person travelling in a hired Licensed Vehicle other than the Hirer or the Licence Holder.

Permanent Address - means the address provided by the Licence Holder in an application for a Licence as amended from time to time by notice given to the Council by the Licence Holder

PHC – means Private Hire Car.

Private Hire Car Door Signs - means a set of two identical door signs issued by the Council identifying the vehicle as an East Lothian licensed private hire car and which are fitted to the front doors of private hire cars in a position approved by the Transport Compliance Officer.

Public Place - has the meaning assigned by Section 133 of the Act i.e. any place (whether a thoroughfare or not) to which the public have unrestricted access and includes — (a) the doorways or entrances of premises abutting on any such place; and (b) any common passage, close, court, stair, garden or yard pertinent to any tenement or group of separately owned houses

Compliance Notice - means a notice in writing issued by an Authorised Officer following inspection of a Licensed Vehicle, to the Driver of a Licensed Vehicle, giving notice of defects requiring to be repaired or breaches of conditions requiring to be remedied and the Licensed Vehicle submitted for re-testing within a maximum period as specified in that notice.

Representative - when used in relation to the holder of a taxi or private hire car licence or in relation to a driver of a taxi or private hire car, means any person, company, firm or association whose services as principal are engaged or used by such a licence holder (and that by any means whatsoever including internet, telephone and radio communications) for the purpose of obtaining or assisting in obtaining engagements for the hire of a taxi or private hire car.

Suitable for transporting passengers travelling within wheelchairs - means a taxi or private hire car which is equipped with either ramps or a passenger lift for use by passengers travelling within wheelchairs

Taxi Bus - means a taxi which is being used under a special licence granted under Section 12 of the Transport Act 1985 to provide a local service which is required to be registered under Part I of that Act, has been previously advertised and which has a destination and route which are not entirely at the discretion of the passengers.

Taxi Driver - means the holder of a current East Lothian Taxi Driver's Licence

Vehicle Plant Maintenance Unit (VPMU) - means the normal place of work for the authorised Taxi Examiner.

Taximeter – means a device approved by Council and inspected by the authorised Taxi Examiner for the calculation of fares.

Taxi Stance - means a stance signed or marked for use by taxis within the East Lothian local government area.

Working Day - means a day when either the Council or the VPMU (whichever is referred to) are open for business.

Part 2

TAXI AND PRIVATE HIRE CAR (PHC) DRIVER'S LICENCE CONDITIONS

This Part 2 in conjunction with any relevant Schedules shall be referred to as the "Taxi and PHC Driver's Licence Conditions". For the purposes of the Taxi and PHC Driver's Licence Conditions the term Licence holder will refer only to those who hold a licence to drive a taxi and the term Licensed Vehicle will only refer to a taxi.

1. Identity Card

The Driver shall at all times when in charge of a Licensed Vehicle be in possession of a current identity card provided by the Licensing Authority. This badge must be worn by the Driver and displayed within the Licensed Vehicle and when requested, the Driver must allow the examination of the card by any passenger, Authorised Officer or Constable. The card shall include the Driver's name, photograph, licence number and expiry date.

2. Driver checks

The Driver, on each occasion prior to commencing their shift with a Licensed Vehicle shall ensure that:

- a) a valid certificate of insurance or cover note confirming that he is insured to drive the Licensed Vehicle is contained within the Licensed Vehicle as detailed in condition 2 of the Taxi and PHC Licence Conditions;
- b) the Licensed Vehicle, including all bodywork, upholstery and fittings (including ramps and accessories) is roadworthy, safe and serviceable, complies with the provisions of Schedule A to these conditions and is in a clean condition subject to prevailing road and weather conditions;
- c) the Licensed Vehicle is displaying current Licence Plates in accordance with the provisions of condition 4 of the Taxi and PHC Licence conditions; and
- d) a copy of the current Fare Table is being carried within the Licensed Vehicle.

3. Condition of Vehicle

The Driver shall not stand or ply for hire with any Licensed Vehicle during any period in which it does not comply with the provisions of Schedule A to these conditions.

4. Fulfilment of Hire

- a) The Driver shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire the Licensed Vehicle which the Driver of a Licensed Vehicle has accepted, or which has been accepted on the Driver's behalf by any representative, unless prevented by reasonable and sufficient cause.
- b) Where an engagement of a Licensed Vehicle for hire has been accepted by a Driver, the said Driver shall fulfil such engagement punctually and shall announce the arrival of such immediately to the person on whose behalf the engagement was made at the place to which it has been summoned. If that person does not commence their journey within five minutes of arrival of the Licensed Vehicle, or such additional period as may be agreed between the Driver and that person, the Driver may refuse to fulfil further the engagement to hire the

Licensed Vehicle, but where the Licensed Vehicle has been called by telephone or other advance arrangement the Driver of a Licensed Vehicle shall be entitled to receive payment of any engagement fee and any fare which may be payable in terms of the Council's approved Fare Table.

- c) The Driver shall not refuse to convey a Hirer or passenger to any place within the Licensed Area unless any Hirer or passenger:
- is not prepared to give a precise destination;
 - is drunk or otherwise not in a fit and proper state to be carried;
 - is in a condition whereby their clothing is offensive or likely to cause damage to the interior of the Licensed Vehicle;
 - is smoking in the Licensed Vehicle and refuses to cease when requested to do so by the Driver;
 - is accompanied by any animal which is likely to damage or soil the interior of the Licensed Vehicle with the exception of an assistance dog; or
 - cannot be conveyed for any other reasonable cause.
- d) The Driver shall not:
- permit any animal to be on or in the Licensed Vehicle except an animal which is an assistance dog or animal or pet carried in an enclosed carrier;
 - carry, or cause or permit to be carried in any Licensed Vehicle, any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature;
 - knowingly carry, or cause or permit to be carried in such Licensed Vehicle, any passenger who has vermin on their person or whose clothing is in a foul or filthy condition;
 - knowingly cause or permit such Licensed Vehicle to be utilised for any illegal or immoral purpose
- e) Where a Licensed Vehicle has been hired:
- by or for a disabled person who is accompanied an assistance dog; or
 - by a person who wishes such a disabled person to accompany that person in a Licensed Vehicle, the holder of a Licensed Vehicle shall carry the disabled person's dog and allow it to remain with the disabled person and shall not make any additional charge for doing so.
- f) This condition shall not apply where an Exemption Certificate in terms of Section 169 of the Equality Act 2010 has been issued to the Driver of the Licensed Vehicle and that notice is in force and is exhibited by being displayed in an approved holder on the dashboard of the taxi.
- g) The Driver shall –
- prior to driving a Licensed Vehicle suitable for transporting passengers travelling within wheelchairs undertake training in the use of approved restraint systems for the carrying of wheelchairs within the Licensed Vehicle he is in charge of and follow the manufacturer's instructions for using all access and restraint equipment on every occasion that the systems are used;
 - Ensure all access and restraint equipment is safe and serviceable and carried on the Licensed Vehicle at all times;
 - Ensure that all ramps carried within the Licensed Vehicle are stamped with the registration number of that Licensed Vehicle and have a certificate of safe working load affixed to them;
 - Use an approved restraint system for wheelchairs and a seat belt for the passenger on every occasion. It is a legal requirement that passengers wear the seatbelt provided unless they hold a medical exemption certificate;
 - Follow the manufacturer's instructions for using all access and safety equipment on every occasion;
 - Where wheelchair tie-down and occupant restraint systems have not been provided at the

time of manufacture by the vehicle manufacturer, ensure that all such equipment used in the vehicle complies with ISO 10542 or any replacement standard.

The Driver may not in any circumstances pick up or convey another passenger without the consent of the original Hirer. The Licence Holder shall drive to the destination by the shortest practicable route unless otherwise instructed by the Hirer.

5. Number of Passengers

The Driver shall not at any time convey more than the number of passengers for which the Licensed Vehicle has been licensed and shall ensure that before commencing any hire passengers are properly seated in approved passenger seats and remain so seated all at times during the journey.

6. Fares

- a) Where the passenger requires to exit the Licensed Vehicle to source the fare from a remote location, the hire shall continue until the passenger is able to offer payment of the fare.
- b) Where a Licensed Vehicle has been called by telephone or other advance arrangement, the hire shall commence after the Driver of the Licensed Vehicle has announced the arrival of Licensed Vehicle to the prospective Hirer or passenger at the place to which it has been summoned.
- c) No fare shall be payable by the Hirer in respect of any journey by the Licensed Vehicle from the place at which it is discharged by the Hirer.
- d) The Driver shall not demand any fare from any person who has engaged a Licensed Vehicle (and no fare shall be payable by such person):
 - if the external Licence Plates with the appropriate taxi licence number are not displayed in accordance with condition 7 of the taxi licence conditions; or
 - if the Driver does not, on demand, exhibit the means of identification issued by the Council; or
 - if the Driver demands more than the metered fare, or where appropriate in terms of condition 15 below, the fare agreed upon before the start of the hire; or
 - if the Driver fails or refuses to complete an engagement except for any reasonable cause; or
 - if the Licensed Vehicle breaks down or if the Licensed Vehicle becomes in any way unfit to convey the Hirer to the destination for which the hirer engaged such a Licensed Vehicle;
 - if the Fare Table programmed in the Taximeter is different from any Fare Table displayed in the vehicle;
 - if the Driver of a Licensed Vehicle removes the record of any fare from the Taximeter before the appropriate Hirer has examined it or has had a reasonable opportunity of examining it, or if, during the Hours of Darkness, the Licensed Vehicle Driver fails to keep any fare dial displayed illuminated for the whole of the period that such Licensed Vehicle is occupied by the Hirer and until the Hirer has examined the Taximeter or has had a reasonable opportunity of examining it.
- e) The Driver shall, if the cost of the journey is not regulated by an Authorised Metered Fare, inform the Hirer before the journey commences (a) that the Taximeter is not required to be used and (b) of the cost or the method of calculating the cost of the proposed journey.
- f) The Driver shall carry a copy of the up to date Fare Table issued by the Council within the Licensed Vehicle at all times and shall produce it for immediate inspection by any member of the public on request.
- g) The Driver shall participate in the Council's assisted fares scheme, currently entitled "Taxi

Card” or such other discounted fares scheme which may be adopted by the Council in the future. The Driver shall ensure that discounted fares are charged in line with the scheme on production to him of a current taxi card or other replacement document. For the avoidance of doubt there is no requirement to mention the taxi card at the commencement of the hire, only at the time of booking, if applicable.

7. Taximeter

- a) The Driver shall ensure that the Taximeter fitted in the Licensed Vehicle in their charge shall be operated:-
 - at all times for hires starting and finishing within the Licensed Area; and
 - with the agreement of the Hirer in relation to hires either starting or finishing outwith the Licensed Area.
- b) The Driver shall, as soon as hired, but no sooner, set the Taximeter in motion and whilst engaged shall have the words “Hire” illuminated on the face of the Taximeter so that it is readily visible at all times.
- c) Immediately on the termination of a hire the Driver shall stop the time mechanism within the Taximeter but shall not remove the fare record from the Taximeter until the hirer has examined it or has had a reasonable opportunity of examining it.
- d) During the Hours of Darkness the Driver shall keep the fare dial display illuminated, for the whole of the period that the Licensed Vehicle in their charge is occupied by a Hirer and until the Hirer has examined the Taximeter or has had a reasonable opportunity of examining it.

8. Passenger Assistance

- a) The Driver shall give such reasonable assistance to passengers or potential passengers to access the Licensed Vehicle as is required. In particular:
 - in relation to persons with obvious mobility difficulties the Driver shall make appropriate enquiries of that person to identify their preferred method of accessing the Licensed Vehicle and seating requirements;
 - in relation to passengers who use wheelchairs the Driver must ascertain whether the passenger wishes to remain within their wheelchair and if so must help the passenger to get into and out of the Licensed Vehicle; if the passenger wants to transfer to a seat, the Driver must assist the passenger to get out of the wheelchair and into a seat and back into the wheelchair, if that assistance is required. The Driver must also load the wheelchair into the Licensed Vehicle; the Driver must also offer to load the passenger's luggage into and out of the Licensed Vehicle;
 - the Driver shall make use of the Licensed Vehicle’s step as and when required and make reasonable enquiries of passengers, where appropriate, to ascertain this.
 - The Driver shall give such reasonable assistance to their passengers as he is able to give with loading and unloading their luggage when required to do so but the Driver of the Licensed Vehicle will not be required to leave the immediate proximity of the Licensed Vehicle in doing so.
- b) The Driver shall either:-
 - assist passengers travelling within wheelchairs to access the Licensed Vehicle using the ramp and shall ensure that they are properly secured by means of the fixed seatbelts before starting the journey, or
 - if the Driver has an Exemption Certificate issued in terms of Section 166 of the Equality Act 2010 from complying with Conditions 23(a) and 20(b) above he shall explain that to the potential passengers, show them the Certificate of Exemption and enquire as to whether they are able to load the wheelchair themselves or

alternatively ask them to wait for the next suitable taxi.

- c) The Driver holding a Certificate of Exemption from compliance with condition 23(a) shall display a copy of the Certificate in an approved holder on the dashboard of the Licensed Vehicle.
- d) Conditions 22 (b) and (c) and 24 (a) above will not apply if the Licence Holder is not driving a Licensed Vehicle suitable for transporting passengers travelling within wheelchairs.

9. Driver Behaviour

- a) The Driver, while in charge of the Licensed Vehicle, shall behave in a professional, considerate and orderly manner and shall not do anything while in charge of the Licensed Vehicle which is a breach of any road traffic or other legislation.
- b) In terms of the smoking legislation it is a criminal offence for anyone to smoke in a Licensed Vehicle at any time even when the Licensed Vehicle is not being used for hire. The Licence Holder shall not smoke within the Licensed Vehicle at any time and shall ensure that no one else does.
- c) The Driver shall not permit any person to drive the Licensed Vehicle he is in charge of while such Licensed Vehicle is on hire or is available for hire unless that person is the holder of a current Taxi Driver's licence issued by the Council.
- d) The Driver shall not permit any person to ride on any loading platform or in any luggage compartment or other part of the taxi not set aside for the accommodation of passengers.
- e) When a Licensed Vehicle is hired or standing for hire, the Driver shall either sit in the driving seat of the Licensed Vehicle or stand in the immediate proximity thereto except during any period the Driver may be absent to announce the arrival of the Licensed Vehicle or for any other necessary purpose.
- f) The Driver shall not stand or loiter with the Licensed Vehicle in any street in the near vicinity to a taxi stance while such taxi stance is fully occupied nor shall the Licence Holder cause the Licensed Vehicle to stand in such vicinity.
- g) The Driver shall not:-
 - use a mobile phone (even by means of a "hands free" kit), or
 - any other communication device, or
 - conduct himself in any manner which prevents him from exercising full control over the speed and direction of the Licensed Vehicle while it is in motion.
- h) The Driver shall not knowingly use the Licensed Vehicle as a Licensed Vehicle while the Licence is suspended or while the Licensed Vehicle is not displaying current Licence plates.

10. Idling

- a) The Driver must switch off the engine when the vehicle is stationary to avoid unnecessary vehicle idling, (especially in sensitive areas such as schools, hospitals and built up areas) except in the following circumstances -
 - where the Licensed Vehicle is stationary owing to the necessities of traffic – e.g. when vehicles are queuing at traffic lights;
 - where an engine is being run so that a defect can be traced and rectified – e.g. when a defective vehicle is being attended to by a breakdown / recovery agent;
 - for short periods on occasions where the weather conditions are extreme either to operate the vehicle's heating or air conditioning system.
- b) The Driver is required to switch off the Licensed Vehicle's engine immediately when requested to do so by an Authorised Officer.

11. Dress Code

The Driver, while in charge of the Licensed Vehicle, shall be clean and tidy in their person and shall wear clothing of a type specified as appropriate in the Dress Code contained in Schedule B to these conditions.

12. Advertising Material

The Driver shall not distribute advertising material of any kind to members of the public, other than business cards providing contact details handed out to passengers within the Licensed Vehicle, or allow any such material to be kept within the Licensed Vehicle.

13. Passenger Luggage

- a) All passenger luggage other than light hand luggage must be stored in the luggage compartment of the Licensed Vehicle. Additional charges for the carrying of luggage may not be made other than in accordance with the current Fare Table.
- b) The Driver shall not refuse to carry luggage in the Licensed Vehicle providing that the said luggage can be accommodated safely within the luggage compartment of the Licensed Vehicle.

14. Lost Property

- a) Immediately after the completion of their shift, the Driver shall search the Licensed Vehicle of which he is in charge for any property which may have been left therein.
- b) Any property found in such Licensed Vehicle by the Driver shall forthwith be returned by the Driver of the Licensed Vehicle to the owner of the property or such property shall be handed in by the Driver to any police station within 24 hours along with:
 - a note of the taxi Driver's name and address;
 - the name of the Licence Holder of the licence for such Licensed Vehicle;
 - the number of the Licensed Vehicle; and
- c) the names and addresses of all Hirers of the Licensed Vehicle during that day so far as known to the Driver which may assist in determining ownership of the property.

15. Stances

- a) All Drivers arriving at a Taxi Stance shall take their stations on Taxi Stance from front to rear in order of their arrival, and hires will be accepted in that order, except, when an intending Hirer wishes to engage a specific Licensed Vehicle or its Driver, in which case the engagement may be accepted in the order indicated by the intending Hirer, but the onus of proving the Hirer's wishes shall be on the Driver of the Licensed Vehicle apparently chosen out of order.
- b) When the Driver of a Licensed Vehicle drives off a Taxi Stance (except on any stance where contrary conditions or restrictions are specified), the Driver immediately behind shall draw up their vehicle to take the place vacated, and the Drivers of other Licensed Vehicles on the stance behind shall draw up their vehicles in a like manner.
- c) When a signal for a taxi is made to a Taxi Stance from a distance, only the Driver of the

Licensed Vehicle first on such a Taxi Stance to which the signal is made shall drive off in answer to such a signal.

- d) The Driver of a Licensed Vehicle on or within 50 metres of any stance to which a signal is made for a taxi shall not be permitted to accept a hire and shall not answer the signal if there is any disengaged Licensed Vehicle on such stance capable of accepting the hire, unless all Drivers of such Licensed Vehicles clearly indicate that they have no objection.
- e) The Driver shall not stand or loiter with the Licensed Vehicle in any street in the near vicinity to a stance while such Taxi Stance is fully occupied by the authorised number of taxis nor shall the Driver of the Licensed Vehicle to stand in such vicinity.
- f) Whilst outwith the Licensed Vehicle at a Taxi Stance the Driver shall not loiter in the roadway at or near the Taxi Stance nor cause their Licensed Vehicle to encroach in any way onto the road.

16. Electronic Security System

When the Driver's is driving a Licensed Vehicle with CCTV installed in the vehicle the additional conditions contained in Schedule C to these conditions will apply.

17. Change of Address / Address for Correspondence

- a) When the Driver changes their permanent address he must:
 - advise the Council of the change to their address within five working days of that change. This may be done by notice to the Council's Licensing Team, John Muir House, Haddington, EH41 3HA or by e-mail to: licensing@eastlothian.gov.uk
 - immediately update their DVLA driving licence with their new address
- b) Drivers must make arrangements for the receipt of correspondence when they are absent from their permanent address for periods in excess of fifteen Working Days. All notices sent to Drivers in relation to these conditions will be sent to the Driver's permanent address as intimated to the Council in terms of Condition 51 above.

18. Suspension of Licence

When a Licensed Vehicle is withdrawn from service by an Authorised Officer in accordance with Section 11 of the Act, there shall be affixed a label bearing the words

- (i) "this hire car is meantime certified unfit for public use" and
- (ii) (ii) the date of withdrawal

in a position within the passenger compartment of the Licensed Vehicle so that it is readily visible to intending passengers. Such a label has the effect of suspending the Licence pertaining to the Licensed Vehicle so labelled and only an Authorised Officer is authorised to remove such label.

19. Return of Licence and Identity Card

If the Driver ceases for any reason to be authorised by law to drive a car on a road, the Licence shall also cease to have effect and he shall immediately give notice to the Council of the change in their circumstances and return their Licence and identity card to the Council's Licensing Team, John Muir House, Haddington, EH41 3HA within two working days of receiving notice of that he is no longer authorised to drive a car.

20. Medicals

- a) All Drivers aged 65 years and over, must be certified as medically fit by the Council's appointed medical examiners, annually. Drivers aged between 45 and 64 years of age are required to be certified as medically fit by the Council's appointed medical examiners, every 5 years. Any Driver with a declared medical condition will be required to be certified as medically fit by the Council's appointed medical examiner.
- b) The Driver must have a current certificate of medical fitness to drive a taxi, if required by the DVLA standards in relation to Group 2 licence holders or otherwise requested by the Council, and shall attend such medical examinations as are necessary to obtain such a certificate.
- c) A Driver who fails to attend for a medical examination after receiving written confirmation of the date of the examination shall be required to pay the appropriate fee for the missed medical before a further medical examination will be arranged.
- d) In relation to the cost of all medical examinations, follow up reports and additional tests which may be required in order to assess a Driver's fitness to drive shall be met by the Driver. For the avoidance of doubt, all new applicants for Licences must be certified fit to drive a Licensed Vehicle for a minimum period of twelve months by the Council's appointed medical examiners following a single medical examination.
- e) If a Driver suffers from, or is diagnosed with any medical condition which may affect their fitness to drive a Licensed Vehicle he shall immediately report that information to the Council's Licensing Team, John Muir House, Haddington, EH41 3HA within two working days of that information coming to their attention and shall thereafter attend a medical examination within the next 14 days for the purpose of confirming their fitness to drive a Licensed Vehicle.

21. Compliance with Authorised Officer

- a) The Driver of a Licensed Vehicle shall not obstruct any Authorised Officer in the performance of any of the Authorised Officer's duties under these conditions.
- b) The Driver of a Licensed Vehicle shall comply with all the instructions or directions of any Authorised Officer in relation to these conditions and shall give all information reasonably required in the discharge of the duties of the Authorised Officer.

22. Notification of Convictions etc

Where a Driver:

- Is charged with any crime or offence of any nature;
- Is convicted of any crime or offence by any court;
- is given any form of official warning, caution or accepts or is ordered to pay a fixed fine or compensation in relation to any offence (including fines/compensation issued by the Procurator Fiscal or any local authority); and/or
- has their DVLA driving licence endorsed with any offence or penalty;

they must report that to the Council within 10 working days of the date of any of the above being intimated to them.

Miscellaneous

- a) The fee for the grant or renewal of a Taxi Driver's Licence will be payable in terms of the Council's published table of fees in full on the lodging of the application;
- b) The Licence Holder must make payment of all fees due in terms of the Council's published table of fees in relation to their Licence within 5 working days of the payment falling due. Where any payment is not made within the above timescale or any cheque or other form of payment in relation to any fee is subsequently dishonoured, the Licence shall cease to exist and must be returned to the Senior Solicitor within one working day of any dishonoured or missed payment being brought to the attention of the Licence Holder by the Council. Such licence shall be returned to the Licence Holder once full payment of the outstanding fee and any related charges is made.
- c) When the Driver is in charge of a PHC whilst it is undertaking a hire or available for hire the Private Hire Car Driver's Licence conditions in Part 5 shall apply in place of the Taxi Driver's Licence conditions under this part.
- d) If the Driver loses their Licence or identity card or any other document issued to him by the Council, he shall notify such loss immediately to the Licensing Authority and shall obtain a duplicate of each lost document from the Licensing Authority on payment of the appropriate fee.
- e) When the Driver has given up the activity of driving a Licensed Vehicle, they shall surrender their Licence to the Licensing Authority as required by Paragraph 13(2)(b) of Schedule 1 to the Civic Government (Scotland) Act 1982.

23. Training

The Driver is required to comply with the requirements of any scheme of training introduced by the Council which are intimated to them by notice sent to their address as last notified to the Council.

EAST LOTHIAN COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

**LICENSING CONDITIONS FOR TAXIS AND
PRIVATE HIRE CARS**

Part 1	Interpretation of words and expressions
Part 2	Taxi and Private Hire Car Licence conditions
Schedule A	Vehicle Conditions
Schedule B	Dress Code and Advertising
Schedule C	Electronic Security System

Part 1

NOTE: These conditions are in addition to the provisions of the Civic Government (Scotland) Act 1982 and any amendment thereto.

INTERPRETATION

Unless there is something in the subject or context inconsistent with, or repugnant to such construction, the following words and expressions in these conditions and their respective schedules have the following meanings respectively given to them

For the purposes of interpretation any reference to the singular shall include the plural and vice versa.

Any words used in these conditions or their respective Appendices should be given the meanings assigned to them in the Act, so far as applicable to Part II and Schedule 1 of the Act. In particular, where, in these conditions, any word is used which is defined in the Act and such definition is applicable in relation to “taxi” or “private hire car” as defined in the Act, the meaning of such word in these conditions shall be interpreted in accordance with the definition of the Act.

Subject to the foregoing the following words or phrases shall have the meanings set out below:-

Act – means the Civic Government (Scotland) Act 1982 as amended or any amending or replacement legislation governing the licensing of hire cars.

Approved - means unless explicitly stated to the contrary, approved by the Transport Compliance Officer or the Solicitor.

Assistance Dog - has the meaning set out in Section 173 of the Equality Act 2010 or any amending or replacement legislation.

Authorisation - includes any Licence, certificate, permit or registration.

Authorised Metered Fare - means any charge (whether described as fare, engagement fee, extras or otherwise) authorised and approved by the Council for publication in the Fare Table issued and amended from time to time, being the Fare Table or tariff which indicates and authorises the maximum charge payable for the use of a taxi (or private hire car which is fitted with a Taximeter) within the East Lothian local government area.

Authorised Officer - means a person, including the Transport Compliance Officer, Authorised Taxi Examiner and any Licensing Standards Officers (LSOs), authorised by the Council or the Police either generally or specifically to act in matters of any specified kind or in any specified matter relative to these conditions and the Act relative to taxis and private hire cars.

Transport Compliance Officer - means any person appointed by the Council to exercise the powers and carry out the duties of Transport Compliance Officer in terms of or by reference to these conditions, or any other person acting under the direct instructions or with the authority of the Transport Compliance Officer to ensure that these conditions and their Schedules and the terms of Part II of the Act are properly observed and implemented. Where there is a difference of opinion between the Transport Compliance Officer and any of the Transport Compliance Officer’s deputies or assistants the decision of the Transport Compliance Officer shall apply, and the term “Transport Compliance Officer” shall be interpreted accordingly.

Authorised Taxi Examiner – means a person appointed by the Council to exercise the powers and carry out the duties of Authorised Taxi Examiner in relation to the taxi testing criteria and standards set out within the schedules and Act.

Solicitor, Licensing - means the Council officer responsible for the management of Taxi/PHC compliance within the Council, and any officers delegated by said Council officer.

Commencement of Hire - a hire shall commence at the time the Hirer or passenger steps into the taxi or private hire car, and the hire shall end when the passenger either indicates that the hire has been terminated or offers payment of the fare. Where the passenger requires to exit the taxi or private hire car to source the fare from a remote location, the hire shall continue until the passenger is able to offer payment of the fare. However, where a taxi or private hire car has been called by telephone or other advance arrangement, the hire shall commence after the Driver has announced the arrival of the taxi or private hire car to the prospective Hirer or passenger at the place to which it has been summoned.

Complaints Notice - means a notice displayed which details how to make a complaint against the Driver or Operator of a Licensed Vehicle to the Council.

Constable - means any constable as defined in the Police (Scotland) Act 1967 (or any amending or replacement legislation) being a member of Police Scotland.

Contravention - in relation to any requirement includes a failure to comply with that requirement, and similar expressions shall be construed accordingly.

Council - means the East Lothian Council, incorporated under the Local Government Etc. (Scotland) Act 1994 and having its headquarters at John Muir House, Haddington, EH41 3HA its statutory successors.

Driver – means in relation to a taxi the holder of a current East Lothian Taxi Driver’s licence and in the case of a Private Hire Car a Driver holding a current East Lothian Taxi Driver’s licence or Private Hire Car Driver’s Licence which without prejudice to the foregoing generality shall include a Licence Holder.

DVLA standards in relation to Group 2 licence holders – means the medical standards published by DVLA for group 2 licence holders or any equivalent replacement standard. These standards have been adopted by the Council and apply to the medical examination of all hire car drivers.

Enactment - includes any enactment (and any amendments thereof) contained in any Act of Parliament, Order, Regulation or other instrument issued by the UK Parliament or the Scottish Parliament affecting Scotland.

Engagement - means an agreement between any person and the holder of a taxi or private hire car licence or Driver (or their respective representatives) for the hire of a taxi or private hire car at a specified time and location and is also known as a booking.

Engagement Fee - is that sum so described in the Council's Fare Table which is payable in addition to the fare where, by telephone or other advance arrangement, there is an engagement for the hire of a taxi (or private hire car in which there is fitted a Taximeter).

Fare table - means the table of fares fixed by the Council to regulate the maximum metered charges for hires within East Lothian.

Hire - means the use of a taxi or private hire car for the purpose of uplifting a passenger from a stated location and conveying such passenger and their luggage to a specific destination and where the use of a taximeter is appropriate there is a requirement to pay for its hire (including an engagement fee where applicable) not exceeding the rate of such fares or fees authorised from time to time by the Council insofar as the journey is not illegal in terms of Section 21 of the Civic Government (Scotland) Act 1982.

Hirer - means the person who has instructed the Hire within the vehicle by advising the Driver of the intended destination or alternatively the person who has requested the Hire when the Hire involves the transportation of third parties.

Holder of a Licence - has the same meaning as Licence Holder.

Hours of Darkness - means the time between half an hour after sunset and half an hour before sunrise.

Information Commissioner's Office – means the UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals or such replacement body.

Licence - means a licence granted by the Council to any person for the purpose of operating a vehicle as a taxi or private hire car or for the purpose of driving the same as appropriate during the currency or validity of such licence.

Licence Holder - means a person who has been granted and holds a current and valid licence from the Council in terms of Part II of the Act to operate either a taxi or a private hire car unless otherwise stated.

Licence Plates – means the licence plates issued by the Transport Compliance Officer identifying licensed vehicles as hire cars which are required to be displayed in accordance with these conditions.

Licensed Area - means the East Lothian local government area.

Licensed - in relation to any taxi or private hire car, its owner or Driver, means having been granted an appropriate licence by the Council in terms of the Act and these conditions during the currency of such licence.

Licensed Vehicle - means generally the taxi or private hire vehicle licensed under a taxi or private hire car licence or any approved replacement vehicle which has been inspected and issued with a Certificate of Compliance by the Transport Compliance Officer unless otherwise stated.

Luggage - includes all items which the hirer or passenger wishes to be carried in the hire vehicle, whether this is their own personal baggage for the journey, or being carried for business or otherwise, and shall also include Assistance dogs or animals or pets carried in an enclosed carrier, which reasonably may safely be accommodated within the vehicle.

Maintenance - includes repair, and “maintain” shall be construed accordingly.

Motor Vehicle - has the meaning assigned to it by the Road Traffic Act 1988 or any amending or replacement legislation

Notice - means a notice in writing.

Passengers – means any person travelling in a hired Licensed Vehicle other than the Hirer or the Licence Holder.

Permanent Address - means the address provided by the Licence Holder in an application for a Licence as amended from time to time by notice given to the Council by the Licence Holder

PHC – means Private Hire Car.

Private Hire Car Door Signs - means a set of two identical door signs issued by the Council identifying the vehicle as an East Lothian licensed private hire car and which are fitted to the front doors of private hire cars in a position approved by the Transport Compliance Officer.

Public Place - has the meaning assigned by Section 133 of the Act i.e. any place (whether a thoroughfare or not) to which the public have unrestricted access and includes — (a) the doorways or entrances of premises abutting on any such place; and (b) any common passage, close, court, stair, garden or yard pertinent to any tenement or group of separately owned houses

Compliance Notice - means a notice in writing issued by an Authorised Officer following inspection of a Licensed Vehicle, to the Driver of a Licensed Vehicle, giving notice of defects requiring to be repaired or breaches of conditions requiring to be remedied and the Licensed Vehicle submitted for re-testing within a maximum period as specified in that notice.

Representative - when used in relation to the holder of a taxi or private hire car licence or in relation to a driver of a taxi or private hire car, means any person, company, firm or association whose services as principal are engaged or used by such a licence holder (and that by any means whatsoever including internet, telephone and radio communications) for the purpose of obtaining or assisting in obtaining engagements for the hire of a taxi or private hire car.

Suitable for transporting passengers travelling within wheelchairs - means a taxi or private hire car which is equipped with either ramps or a passenger lift for use by passengers travelling within wheelchairs

Taxi Bus - means a taxi which is being used under a special licence granted under Section 12 of the Transport Act 1985 to provide a local service which is required to be registered under Part I of that Act, has been previously advertised and which has a destination and route which are not entirely at the discretion of the passengers.

Taxi Driver - means the holder of a current East Lothian Taxi Driver’s Licence

Vehicle Plant Maintenance Unit (VPMU) - means the normal place of work for the authorised Taxi Examiner.

Taximeter – means a device approved by Council and inspected by the authorised Taxi Examiner for the calculation of fares.

Taxi Stance - means a stance signed or marked for use by taxis within the East Lothian local government area.

Working Day - means a day when either the Council or the VPMU (whichever is referred to) are open for business.

Part 2

TAXI AND PRIVATE HIRE CAR (PHC) LICENCE CONDITIONS

This Part 2 in conjunction with any relevant Schedules shall be referred to as the "Taxi and Private Hire Car Licence Conditions". For the purposes of the Taxi and PHC Licence Conditions the term Licence Holder will refer only to those who hold a Licence to operate a Taxi or PHC and the term Licensed Vehicle will refer to a Taxi or PHC.

1. General

The Licence Holder shall ensure that, all times when the Licensed Vehicle is available for hire or being used for hire:

- the Licensed Vehicle is covered by a valid Licence issued by East Lothian Council and complies with the conditions of fitness contained in Schedule A to these conditions;
- the Licensed Vehicle is displaying current Licence Plates as issued by the Authorised Officer for the Licensed Vehicle in the approved positions on the front and rear (and for PHC's, the interior) of the Licensed Vehicle;
- all Drivers of the Licensed Vehicle are holders of a current driver's licence issued by the DVLA at all times whilst they are in charge of the Licensed Vehicle;
- the Licensed Vehicle, including all bodywork, upholstery and fittings, is roadworthy, safe and serviceable, and is in a clean condition subject to prevailing road conditions;
- any defects identified in the Licensed Vehicle, or any breaches of these conditions identified by an Authorised Officer must be rectified to the satisfaction of the Authorised Officer within the time frame specified at the point of notification;
- they do not do anything in the course of the operation of the Licensed Vehicle which is unlawful.
- he does not ask a Driver of a Licensed Vehicle to do anything which would result in the Driver committing a breach of the conditions attached to the grant of the Driver's Licence;

2. Registration and Insurance

The Licence Holder shall:

- a) hold in their own name the requisite vehicle registration document and a valid certificate of insurance in relation to the taxi or PHC required by Part VI of the Road Traffic Act 1988 or any other amending legislation and the holder of the Licence shall be required to produce these documents to any Authorised Officer at any reasonable time on request. Where the Licence Holder is a partnership or company the vehicle registration document and the certificate of insurance shall be in the name of either the partnership or the company. The vehicle registration document and certificate of insurance must also state the permanent address of the Licence Holder named in those documents.
- b) ensure that either (i) a valid certificate of insurance which shows that insurance cover is in place for all Drivers of the Licensed Vehicle or (ii) a valid cover note on the same basis is carried within the Licensed Vehicle to which it relates at all times and is available for immediate inspection by any passenger being carried within the vehicle, Authorised Officer, Transport Compliance Officer or Constable.
- c) not cause or permit the Licensed Vehicle to stand or ply for hire during any period it does not comply with the provisions of these conditions.

3. Vehicle Inspections

The Licence Holder shall:

- a) require the Licensed Vehicle to undergo and pass an annual inspection by the authorised Taxi Examiner;
- b) ensure that when the Licensed Vehicle is presented for examination the bodywork and passenger accommodation of the Licensed Vehicle are clean and that the underside of the Licensed Vehicle is free from road dirt, excess oil and grease, otherwise the inspection cannot be undertaken;
- c) if the Licensed Vehicle is fitted with a passenger lift, ensure that the lift is serviced and maintained on a six monthly basis by a qualified lift repairer approved of in advance by the Transport Compliance Officer, and at the time of the Licensed Vehicle's annual test, shall submit a report to the Transport Compliance Officer from such repairer to the effect that the lift is in good working order and condition
- d) in addition to any annual examination and upon receiving two working days notice from the Transport Compliance Officer, produce the Licensed Vehicle for examination at the time and place specified;
- e) in the event that he fails to keep any appointment for examination of the Licensed Vehicle, or the inspection cannot be undertaken due to the state of the Licensed Vehicle, pay a cancellation charge to the Council before a further examination of the Licensed Vehicle is arranged;
- f) in the event that the Licensed Vehicle fails the annual test, a retest fee must be paid to the Council before a further examination of the vehicle is arranged;
- g) In the event that the vehicle's taxi license has expired, the licence holder shall, within 28 days, return the vehicle taxi plates to the VPMU or Licensing Section at council headquarters;
- h) The Licence Holder, when the Licensed Vehicle is damaged in a vehicular accident or by any other means, shall report the damage to the Licensing Authority as soon as practicable and, if the Licensed Vehicle is roadworthy, shall present it for examination within two working days of the occurrence. As soon as repairs to the Licensed Vehicle have been completed, the Licensed Vehicle shall be presented to the Transport Compliance Officer for re-examination. Unless the Transport Compliance Officer confirms otherwise, the Licensed Vehicle shall not be used as a taxi from the date of the damage until the repairs have been completed, and the Licensed Vehicle is passed by the Transport Compliance Officer as being fit for use again.
- i) If the Transport Compliance Officer issues the Licence Holder with a Compliance Notice relating to advertising or signage on the Licensed Vehicle, the Licence Holder must comply with the Compliance Notice and present the Licensed Vehicle to the Transport Compliance Officer for re-examination within either 14 days or the period specified in the Compliance Notice.

4. Display of Plates

- a) On a Licensed Vehicle, a number shall be allotted to it by the Licensing Authority and the approved external Licence Plates bearing such number shall be supplied to the Licence Holder by the Licensing Authority. The Licensed Vehicle shall not be used for hire until the Licence Plates are properly affixed by the authorised Taxi Examiner at VPMU. The Licence Plates remain the property of the Council at all times and must be returned to the Council as and when required by these conditions.
- b) If the letters or figures on any Licence Plate affixed to a Licensed Vehicle become obliterated or defaced so as not to be distinctly visible or legible, or any of the plates are lost or stolen, the Licence Holder shall immediately request from the Licensing Authority (on payment of the appropriate fee), a replacement Licence Plate or Car Door Sign. These can only be fitted by an authorised Taxi Examiner located at VPMU. In the event that any of the Licence Plates are stolen the Licence Holder must immediately report this to the Police and obtain a crime reference number.

5. Other Signage

- a) The Licence Holder shall not remove or obscure any warning signs, safety messages or any other information or signage displayed on the Licensed Vehicle that are present when it is supplied by the manufacturer and which are aimed at assisting passengers to identify the type or features of the vehicle.
- b) Taxi - The Licence Holder shall display upon the roof of the Licensed Vehicle an illuminated sign of a type approved by the Council for the purpose of identifying the vehicle as a licensed taxi.
- c) PHC - The Licence Holder shall not display a sign of any kind on the roof of the Licensed Vehicle, display or cause or permit to be displayed on or in the Licensed Vehicle (other than any Taximeter fare dial) or on their person (including their clothing) the word "cab", "taxi" or "for hire" or any other word or words which might give the impression that the vehicle is plying for Hire.
- d) Two notices detailing the Council's complaints procedures must be displayed in the Licensed Vehicle. The complaints notices must be attached to both rear quarter-lights, or, in the absence of quarter-lights, in a similar position approved by the Transport Compliance Officer, so that they may be read by passengers travelling in the Licensed Vehicle. An additional notice capable of being read by a front seat passenger may be required at the discretion of the Transport Compliance Officer.

6. Transportation of wheelchairs

The Licence Holder of a Licensed Vehicle which is suitable for the transportation of passengers travelling with wheelchairs shall ensure that:

- appropriate access and restraint equipment for the carrying of wheelchairs is serviceable, in a safe condition and is carried on the Licensed Vehicle at all times;
- all ramps carried within the Licensed Vehicle are stamped with the registration number of that Licensed Vehicle and have a certificate of safe working load affixed to them;
- where a vehicle has a lift system installed, this must be inspected every six months in line with LOLER (Lift Operating and Lifting Equipment Regulations 1998) and the certificate presented to the Licensing Authority;
- all Drivers of the Licensed Vehicle must be able to demonstrate to an authorised officer on request, that they are trained in the use of approved restraint systems for the carrying of wheelchairs and are aware of the manufacturer's instructions for using all access and safety equipment on every occasion;
- That any passenger lift and ramp used with the licensed Vehicle has a plate attached to it, readily visible to passengers, showing the safe working limit of the lift or ramp;
- where lifts and ramps used with the Licensed Vehicle were not provided at the time of manufacture of the Licensed Vehicle these comply with British Standard BS 6109 and BS1756-2:2004 or any replacement standards; and
- where wheelchair tie down and occupant restraint systems were not provided at the time of manufacture of the vehicle, ensure that all such equipment used within the vehicle complies with ISO 10542 or any replacement standards.

7. Fares

- a) The Licence Holder of a Licensed Vehicle equipped with a Taximeter shall obtain from the Council a notice detailing the approved Fare Table and will arrange for a copy of the up to date Fare Table to be carried within the Licensed Vehicle at all times to allow it to be produced for immediate inspection by any member of the public, on request.
- b) Unless the cost of the journey is regulated by the Fare Table and calculated by the taximeter the Licence Holder shall ensure that, prior to acceptance of the hire, any potential Hirer of the Licensed Vehicle is informed whether by the Driver or otherwise that (a) the fare is not to be calculated using the meter and (b) the cost, or method of calculating the cost, of the proposed journey.

8. Taximeter

- a) Taxi's - The Licence Holder shall have affixed to, and used in the Licensed Vehicle in line with the requirements of these conditions, in a position approved by the Authorised Taxi Examiner, a Taximeter which has been stamped or sealed by the Authorised Taxi Examiner after testing and approval.
- b) PHC's - Any Licence Holder, who wishes their Licensed Vehicle to use a taximeter, shall have affixed to and used on their Licensed Vehicle, a taximeter which has been stamped or sealed by the Council, after testing and approval to the satisfaction of the Transport Compliance Officer as to distance and time in accordance with the approved taxi fares and charges, and no other taximeter shall be affixed or used. Such taximeter must be electronic and capable of multi tariff operation.
- c) The Taximeter shall be used to record distance and time and calculate the exact fare for

each required journey in accordance with the approved taxi fares and charges, and no other Taximeter shall be affixed or used. Such Taximeter must be electronic and capable of multi tariff operation. This condition insofar as it relates to the use of the Taximeter shall not apply to any Licensed Vehicle while it is in use as a Taxi Bus.

- d) The Licence Holder shall not use, or cause or permit to be used on the Licensed Vehicle, a road wheel or tyre of a different circumference from that for which the Taximeter affixed to the taxi was designed and geared for that Licensed Vehicle and has been tested by the Authorised Taxi Examiner.
- e) Once such a Taximeter is fitted to the Licensed Vehicle the Licence Holder shall not tamper with the Taximeter or break or tamper with any seal or stamp on such Taximeter or any attachment or connection affixed thereto except to remove the Taximeter for repair or replacement. Should the Taximeter be removed or should the seal be broken or faulty, the Taximeter shall be re-tested, stamped and sealed by the Authorised Taxi Examiner before being used again. The Council may charge a fee for testing and sealing of meters.
- f) The Licence Holder shall not knowingly operate the Taximeter or cause or permit it to be operated other than as a Taxi Bus while the seals affixed to any Taximeter or (where so affixed) to the taxi are broken or detached. The Licence Holder shall ensure that the seals on the Taximeter are checked on a daily basis whilst the Licensed Vehicle is in use as a Licensed Vehicle.
- g) The Licence Holder shall not knowingly use, or cause or permit to be used on their Licensed Vehicle, a Taximeter which is in any way defective.

9. Advertising

a) The Licence Holder shall not display in or on the Licensed Vehicle any signs other than those approved by the Council. Approval shall not be required for advertising which is only displayed on the front doors of the taxi, although the Council reserves the right to require the immediate removal of

- i. any advertising on the front doors which would not be permitted in terms of condition 9(b) below or the Advertising Policy contained in Schedule B to these conditions or any advertising which mentions private hire cars or which is in a similar format and layout to the Private Hire Car Door Signs referred to in Schedule A hereof.
- ii) Applications for approval of other advertisements must be made in writing to the Solicitor, Licensing and should be accompanied by the appropriate fee. The request must include a colour specification for all proposed advertisements. Applications for full livery advertising must be accompanied by full colour five view art work and the Solicitor shall be entitled to retain all materials submitted with the application. All applications for approval of advertisements will be considered by the Solicitor who, if satisfied (after consultation with the Transport Compliance Officer where appropriate) as to the non-contentious nature or placement of any advertisement, shall grant the application and issue a letter of approval. Magnetic signage will not be approved.

b) All advertisements must comply with The UK Code of Non - broadcast Advertising, Sales Promotion and Direct Marketing (CAP Code) published by the Advertising Standards Authority and must be legal, decent, honest and truthful. Each application will be considered on its own merits but advertisements will not be approved if they contain political, ethnic, religious, sexual or controversial texts; advertise tobacco products; display nude or semi-nude figures; are likely to offend public taste; depict men, women or children as sex objects; depict direct and immediate violence to anyone shown in the advertisement or anyone looking at it; advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities.

c) If the Solicitor is not satisfied as to the non-contentious nature or placement of an advertisement then any such application will be submitted to the Council for consideration, it being understood that in no case will the Solicitor refuse any application.

d) The Licence Holder whose Licensed Vehicle is displaying any advertisement(s) requiring approval shall ensure that the letter of approval from the Council to display an advertisement on the vehicle shall be held at all times within the particular vehicle and shall be available for inspection by an Authorised Officer or any Constable or the Transport Compliance Officer on request.

10. Fulfilment of Hire

The Licence Holder shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire the Licensed Vehicle which the Licence Holder has accepted, or which has been accepted on the Licence Holder's behalf by any representative, unless prevented by reasonable and sufficient cause.

11. Exceptions to Hire

- a) The Licence Holder shall not carry, or cause or permit to be carried in the Licensed Vehicle, any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.
- b) The Licence Holder shall not knowingly carry, or cause or permit to be carried in the Licensed Vehicle, any passenger who has vermin on their person or whose clothing is in a foul or filthy condition.
- c) The Licence Holder shall not permit the Licensed Vehicle to be utilised for any illegal or immoral purpose.
- d) If any person suffering from any infectious or contagious disease is carried in a Licensed Vehicle, the Licence Holder shall, as soon as it comes to their knowledge, ensure that the vehicle is thoroughly cleaned and disinfected before permitting or carrying passengers for hire.

12. Receipts

The Licence Holder shall ensure that, at the termination of the hire, a signed receipt for the fare shall be provided by the Driver of the taxi to the passenger if requested, stating:

- the time and date of the journey
- the licence number of the vehicle
- the amount of the fare charged
- the name of the driver

13. Electronic Security System

Where an Operator chooses to install an electronic security system, they will comply with the guidance in Schedule C in these conditions.

14. Record of Drivers

- a) The Licence Holder shall keep an up-to-date record of the names, addresses and telephone numbers of all Drivers used by him to drive the Licensed Vehicle concerned, together with the dates and times that each Driver was in charge of the Licensed Vehicle.
- b) The record referred to in condition 14(a) shall be kept for a minimum of six months and must be produced immediately on request to an Authorised Officer or a Constable for inspection together with any other such information as may be required by an Authorised Officer for the purpose of ascertaining the identity of any taxi Driver used by the said Licence Holder or for any other purpose relating to these conditions.

15. Change of Address

- a) The Licence Holder must advise the Council in writing of a change to their permanent address within five working days of that change. This may be done by notice to the Council's Licensing Team, John Muir House, Haddington, EH41 3HA or by e-mail to: licensing@eastlothian.gov.uk.
- b) Licence Holders must make arrangements for the receipt of correspondence when they are absent from their permanent address for periods in excess of fifteen Working Days. All notices sent to the Licence Holder in relation to these conditions will be sent to the Licence Holder's permanent address as intimated to the Council in terms of Condition 15(a) above.

16. Suspension of Licence

- a) When a Licensed Vehicle is withdrawn from service by an Authorised Officer in accordance with Section 11 of the Act, the Authorised Officer shall affix a label bearing
 - i) the words "this hire car is meantime certified unfit for public use" and
 - ii) the date of withdrawal, in a position within the passenger compartment of the Licensed Vehicle so that it is readily visible to intending passengers. Such a label has the effect of suspending the Licence pertaining to the Licensed Vehicle so labelled and therefore the Licensed Vehicle cannot be used as a Licensed Vehicle until the label is removed by the Authorised Officer.
- b) When a Licence has been suspended by the Council the Licence Holder shall present the vehicle to the VPMU and the plates will be removed by the Authorised Taxi Examiner within one working day of having received notice that the Licence has been suspended.

17. Return of Licence and Licence Plates

- a) When a Licensed Vehicle ceases permanently to be used as such, the Licence Holder shall give immediate notice to the Licensing Authority and return to the Licensing Authority the licence in respect of the taxi or PHC, along with the licence plates, within ten working days.
- b) When the date of expiry of the Licence Plates of a Licensed Vehicle has passed without replacement Licence Plates having been issued, the Licence Holder shall return the expired Licence Plates to the Licensing Authority within one working day of the date of expiry.

18. Miscellaneous

- a) The Licence Holder shall:
 - not obstruct any Authorised Officer, in the performance of any of their duties under these conditions;
 - comply with all instructions or directions of any Authorised Officer in relation to these conditions;
 - provide these officers with accurate information reasonably required in the discharge of their duties, and;
 - ensure that no advertising material of any kind, other than business cards providing contact details handed out to passengers within the Licensed Vehicle, is distributed by Drivers of the Licensed Vehicle or left within the Licensed Vehicle.
- b) If the Licence Holder loses their Licence or any other document issued to him by the Council or the Transport Compliance Officer, he shall notify such loss immediately to the Council and shall obtain a duplicate of each lost document from the Council on payment of the appropriate fee.
- c) The fee for the grant or renewal of a Licence will be payable in terms of the Council's published table of fees, in full on the lodging of the application.
- d) The Licence Holder must make payment of all fees due in terms of the Council's published table of fees in relation to their Licence within 5 working days of the payment falling due. Where any payment is not made within the above timescale or any cheque or other form of payment in relation to any fee is subsequently dishonoured, the Licence shall cease to exist and must be returned to the Licensing Authority within one working day of any dishonoured or missed payment being brought to the attention of the Licence Holder by the Council. Such licence shall be returned to the Licence Holder once full payment of the outstanding fee and any related charges is made.

19. Notification of convictions etc

Where a holder of a Licence:

- is charged with any crime or offence of any nature;
- is convicted of any crime or offence by any court;
- is given any form of official warning, caution or accepts or is ordered to pay a fixed fine or compensation in relation to any offence (including fines/compensation issued by the Procurator Fiscal or any local authority); or
- has their DVLA driving licence endorsed with any offence or penalty

He must report that information to the Council within 10 working days of the date of any of the above being intimated to him.

20. Notification of information in relation to Drivers

The Licence Holder is required to report the following information regarding any Driver of their Licensed Vehicle to the Licensing Authority within 24 hours (or the following Working Day) of that information coming to their attention in relation to Drivers of the Licensed Vehicle:

- information that any Driver has been disqualified from driving;
- information that any Driver is suffering from any medical condition which may affect their fitness to drive a vehicle;
- information that any Driver is using illegal drugs;
- information that any Driver may have committed any offence involving dishonesty or sexual impropriety.

21. Training

The Licence Holder is required to comply with the requirements of any scheme of training introduced by the Council which are intimated to him by notice sent to their address as last notified to the Council.

SCHEDULE A

VEHICLE CONDITIONS OF FITNESS

Taxis in East Lothian must be a side-loading motor vehicle which is Disability and Discrimination Compliant (DDA). Vehicles must have a minimum power output of 70kW/94hp.

The vehicle must hold low volume type approval or such equivalent amended certification as issued by the Vehicle Certification Agency or its successors and must comply in all respects with the requirements of all Acts and Regulations relating to motor vehicles.

Taxis must be capable of being licensed to carry between 5 and 8 passengers. The decision of the Transport Compliance Officer as to the appropriate number of passengers for the vehicle to be licensed to carry shall be final following inspection of the vehicle and consideration of safety and luggage requirements.

A fee will be payable to the Licensing Office, East Lothian Council, John Muir House, Haddington, for non-attendance at the time/test date provided and if test dates are cancelled 48 hours from the date of the test date.

All vehicles must have a valid M.O.T. Certificate obtained within the previous 30 days.

Vehicle inspections, outwith the standard M.O.T. inspection, will take place annually and will ensure that every vehicle meets the Licensing Authority's criteria of fitness to carry fare-paying passengers.

The inspection and examination will extend beyond mechanical aspects and will also cover bodywork condition, structure, cleanliness etc.

The fee for inspections is contained within the annual licence fee however a vehicle failing inspection will require to be retested with a further fee payable, for each occasion, prior to the retest. This must be paid online at <http://www.eastlothian.gov.uk> or at any of the Council Area Offices, with cash or by debit/credit card and the receipt produced at the VPMU. If the vehicle is returned to the VPMU and retested within 10 working days on one or more of the following items only then no retest fee will apply.

- Access panels
- Battery
- Bonnet
- Boot lid
- Brake pedal anti-slip
- Break glass hammer
- Doors (including hinges, catches and pillars)
- Door open warning device
- Dropsides
- Electrical wiring
- Emergency exits and signs
- Entrance door remote control
- Entrance/exit steps
- Fire Extinguisher
- First aid kit
- Fuel filler cap
- Headlamp cleaning or levelling devices (not requiring a headlamp aim check)

Horn
Lamps (excluding headlamp aim)
Lifting Jack
Loading door
Main beam 'tell-tale'
Mirrors
Paintwork
Rear reflectors
Registration plates
Seat belts (but not anchorages)
Seat belt load limiter
Seat belt pre-tensioner
Seats
Sharp edges or projections
Spare wheel
Spare wheel method statement
Stairs
Steering wheel
Tailboard
Tailgate
Tyre pressure monitoring system
Vehicle identification number (VIN)
Windscreen and glass
Windscreen wipers/ washers
Wheel brace
Wheels and tyres

All vehicles presented must be in appropriate condition with the bodywork and passenger accommodation being clean and the underside of the vehicle free from road dirt, excess grease and oil etc.

Where the inspection shows the vehicle has not been presented in a suitable condition, it is the responsibility of the licence holder to arrange any required remedial work prior to re-presentation. A supplementary inspection charge will be levied against vehicles presented in an unsuitable condition. Payment to be made in accordance with retest fees.

In addition to the annual inspection, spot checks on vehicle condition will be conducted, from time to time, by an authorised Officer of the Licensing Authority, an authorised Officer of the Vehicle Inspectorate or the Police, any of whom may require identified remedial work to be carried out. In such circumstances, the vehicle must be re-presented to VPMU after the remedial work has taken place before approval is granted for the vehicle to be used in service.

All vehicles, of an approved type and model, must carry:

- A spare wheel fitted with a pneumatic tyre of the same type and size as the other tyres and wheels on the vehicle, or where a spacesaver wheel and tyre (as provided by the manufacturer) is used, a method statement indicating limits of use must be present with the vehicle. Any spare wheel must be in such condition as to instantly replace any damaged wheel or a wheel on which the tyre has become damaged;
- A suitable lifting jack;
- A suitable wheel brace;
- Any vehicle manufactured without space for a spare wheel must provide a copy of a contract for vehicle recovery and onward travel of the passengers. Evidence that such cover is in place must be produced annually at the time of the vehicle inspection;

- A fire extinguisher (BSI approved) suitable for use on petrol, diesel or electrical fires carried in a suitable fastener fixed to the vehicle or held within a suitable compartment of the vehicle in a position approved by the licensing authority;
- A first aid kit that is adequate for treating the maximum number of passengers carried in the vehicle, fixed to or held within a compartment within the vehicle in a position approved by the licensing authority.

Appeal Process

If you wish to appeal against a decision to fail your vehicle, you should do so on the Appeal Request form available at the VPMU. This form together with a further full test fee should be sent to Licensing, East Lothian Council, John Muir House, Haddington, EH41 3HA within 14 days of the initial vehicle inspection. Your appeal will be heard at the next appropriate Licensing Sub-Committee after which, if your appeal is successful your test fee, or if appropriate part of it will be returned to you. Prior to submitting your appeal you should contact the VPMU and ensure that an agreed photographic record of the item in dispute is available for the Sub-Committee's information and consideration, this may entail securing this evidence prior to any repair work being carried out or the vehicle being put back into service.

INSPECTION AND FAILURE CRITERIA

CLEANLINESS/APPEARANCE

The purpose of the inspections is to ensure that vehicles are safe, aesthetically pleasing and present both the operator and East Lothian Council in a favourable manner.

Inspection	Failure	Note
Check bodywork is not damaged or extensively corroded	Body work damaged Bodywork extensively corroded Dent in excess of 600mm ²	
Check paint in good condition	Different colour/shade Not to a uniform finish Has surface deficiencies e.g. paint runs or peeling Scratched or stained Broken paint surface	
Check External Cleanliness	Dirty/Contaminated exterior	
Check Vehicle Underside	Not free from road dirt Excess grease Excess oil	
Check passenger compartment is clean and free from rubbish Check interior upholstery for security, cleanliness and condition	Dirty Contains any rubbish Upholstery, trim or headlining is dirty, missing, insecure, torn or in such condition as to soil clothing or adversely affect passenger comfort	
Check Tariff Sheet if vehicle fitted with a meter	Absent Out of Date	

Check front and rear Licence Plate	Not displayed Different Not secured with approved fixing kit	
Check roof mounted "Taxi" sign (not applied to Private Hire Vehicles)	Absent Insecure Fails to illuminate	
Check front and rear Private Hire Plate (not applied to Taxis)	Not displayed Different Not secured with approved fixing kit	
Check door mounted Private Hire sign	Absent Insecure	
Check Road Fund Licence Proof to be supplied at test	Out of Date	

ADVERTISING

- All advertising carried either externally or internally by Taxis must not be of a nature to cause offence and every request to display advertisements must therefore be submitted to the Licensing Authority for a prior decision on suitability. Requests to display 3rd party advertising should include scale drawings of the adverts. The Civic Government (Scotland) Act 1982 prohibits any form of advertising on a Private Hire Car that could imply the vehicle is a Taxi. Where permission is granted for an advertisement to be carried this permission will be granted for one year or to the next annual test of the vehicle.
- Fees will not be payable for adverts on a Taxi which are solely for the purpose of identifying the Taxi as that of the Operator.

Taxis

Exterior advertising on Taxis must meet the following conditions:

- Where the complete vehicle body forms an advertisement this must be approved by the Licensing Authority and the relevant fee paid prior to the advert being fitted to the body or the vehicle painted;
- Adverts for 3rd party companies, on the bonnet or panels of the vehicle, must be in no more than two colours and measure no more than 800mm by 400mm and must not be fitted prior to the relevant fees being paid and Licensing Authority approval given;
- No advert may be placed on any window of a Taxi. (Excluding Health & Safety signs)

Interior advertising on Taxis must meet the following conditions:

- Adverts inside a Taxi can be placed on seat fronts or backs and seat headrests subject to the relevant fees being paid and Licensing Authority approval given.

Private Hire Cars

- Private Hire Cars may display the name of the operator and a telephone number on two rear side panels of the vehicle or on the bonnet only, but not on all three locations or the rear of the vehicle. The display must be single colour and cover an area of no more than 800mm by 400mm. The display must not in any way or form imply that the vehicle is other than a Private Hire Vehicle. It must not include the words Taxi(s), Cab(s) or Car(s).

Inspection	Failure	Note
Check Advertising (if applicable – see note)	Offensive Placed on any window Size Colour	The Local Government (Scotland) Act prohibits any form of advertising on a Private Hire Car that could imply the vehicle is a taxi

DRIVER'S COMPARTMENT AND CONTROLS

The purpose of these inspections is to ensure the safety and comfort of passengers and driver.

Inspection	Failure	Note
Check for cleanliness and presentation	Dirty Contains rubbish Contains items liable to interfere with the proper control of the vehicle	
Check the condition and security of the driver's seat	Seat insecure or structurally weakened Padding or covering is seriously deteriorated	
Check seat adjusting mechanism noting movement relative to vehicle structure	Insecure Ineffective	
Check driver's controls can be operated from the driver's seat	Control cannot be operated from the driver's seat without maintaining proper control of the vehicle	
Check view to front and rear	Any object on the vehicle which is located or is of such a size that the driver has a restricted view of the road ahead or view to the rear having regard to the original design of the vehicle.	

Check the operation of all ventilation equipment and heaters	A heater that does not emit heat Ventilation equipment not supplying adequate air to screen or car interior A leaking unit An insecure unit A control mechanism is inoperative or ineffective	
Check Fire Extinguisher (may be secured within an exposed area of the luggage compartment)	Absent Not easily accessible Clearly discharged Damaged Not conforming to current British Standards Last maintenance check in excess of expiry date Not secured or in an inappropriate compartment	
Check First Aid Kit (of a size suitable for the number of passengers carried in the vehicle)	Absent Insufficient for maximum number of passengers Not secured or in an inappropriate compartment	

WHEELS AND TYRES

The purpose of these inspections is to ensure compliance with legal requirements and to ensure safety for passengers and driver.

- No road wheel or tyre, including spare wheel, shall be of a different circumference from that for which the taximeter affixed to the vehicle was designed, geared and tested by East Lothian Council's VPMU.

Inspection	Failure	Note
Check circumference of all wheels/tyres	Different from that specified by taximeter	
Check inflation of tyres	Beyond tolerance specified by vehicle manufacturer	
Check tyre condition	Tyre is worn Tyre has a lump or bulge Incorrectly seated on the wheel rim Tyre is cut Any part of the cord is exposed Tread depth is less than 1.6mm over the centre $\frac{3}{4}$ of the tyre	
Check wheel rim condition	Damaged, distorted or cracked	
Check wheel security	Insecure	
Check spare wheel security	Not secured If secured in the passenger cabin and not covered	

BRAKES

The purpose of these inspections is to ensure compliance with legal requirements and to ensure safety for passengers and driver.

- Where brake connections are secured with bolts or pins, the bolts or pins must be fitted with approved locking devices and they must be so placed that, when in any position other than horizontal, the head of the bolt or pin is uppermost.

Inspection	Failure	Note
Check foot brake pedal	Any side play Not anti-slip Worn or corroded Fading on holding down pedal for approximately 1 minute	
Check hand brake lever	Any side play	
Check pawl holding	Insecure	
Foot Brake Efficiency	Not met	
Hand Brake Efficiency	Not met	

STEERING

The purpose of these inspections is to ensure compliance with legal requirements and to ensure safety for passengers and driver.

- The steering wheel must be on the offside of the vehicle.
- The steering mechanism must be so constructed and arranged that no over lock is possible and that the road wheels do not, in any circumstance, foul any part of the vehicle.
- Where steering connections are secured with bolts or pins, the bolts or pins must be fitted with approved locking devices and they must be so placed that, when in any position other than horizontal, the head of the bolt or pin is uppermost.

Inspection	Failure	Note
Check steering column security	Insecure	
Check steering box or steering rack for security to chassis	Insecure	
Check steering box or steering rack	Leaking Fractured Roughness	
Check sector shaft, or rack, bushes	Excessively worn	

LIGHTING

The purpose of these inspections is to ensure compliance with legal requirements and to ensure safety for passengers and driver.

- Adequate lighting of the passenger and driver must be provided.
- All step entry areas must have adequate lighting when in use.

Inspection	Failure	Note
Check operation of all lights	Not fitted Insecure Not working Flickers when tapped lightly by hand	
Check reflectors	Not fitted Cracked or broken	

ELECTRICAL EQUIPMENT

The purpose of these inspections is to ensure compliance with legal requirements and to ensure safety for passengers and driver.

- All electrical leads and cables must be adequately insulated. Suitable fuses must protect all electrical circuits.

Inspection	Failure	Note
Check battery	Insecure Leaking	
Check battery terminals	Insecure Corroded	
Check wire/cable insulation	Not insulated Not secured Heavily contaminated with oil Signs of chaffing Heat damage	

COMMUNICATION APPARATUS

The purpose of these inspections is to ensure compliance with legal requirements and to ensure safety for passengers and driver.

- Communication equipment must be fitted so as not to obstruct the operation of the vehicle controls or access for passengers.

Inspection	Failure	Note
Check all radio equipment	Insecure Inappropriate position	
Aerial	Inappropriate type	Only aerials of a type and in a position approved by the Licensing Authority

DOORS

- The vehicle must have a minimum of 4 doors usable for entry to the vehicle.
- All doors and door locks must be capable of being readily opened. On all vehicles only approved original central locking systems will be permitted.

Inspection	Failure	Note
Check operation of door opening mechanism, internally and externally	Inoperative Incomplete	
Check door hinges	Worn Insecure	
Check door pillars	Insecure Weakened by damage Corroded	
Check door locks in the closed position	Insecure locking	
Check Side door open to maximum extent (wheelchair accessible vehicles)	Open door over-extends to be in contact with vehicle bodywork Door does not stay in open position Access dimension is less than 1220mm (height) by 680mm (width)	
Check Rear door open to maximum extent (wheelchair accessible vehicles)	Access dimension is less than 1220mm (height) by 780mm (width)	

WINDOWS AND VISIBILITY

The purpose of these inspections is to ensure compliance with legal requirements and to ensure safety for passengers and driver.

- An interior mirror must be fitted in the driver's compartment. External mirrors must be fitted to the near side and off side of the vehicle.
- The vehicle must have windows at the sides and rear.
- For vehicles used on or after 01 April 1985, legal requirements must be met, in that, the light transmitted through the windscreen must be at least 75% and the front side windows must allow at least 70% of light to be transmitted through them. The rear side windows must allow at least 40% of light to be transmitted through them and should be of such transparency as to enable the driver and passengers to be seen from outside the vehicle.
- No advertising sign or sticker should be positioned on glazed areas, unless it displays a legal requirement. E.g. No smoking. It is acceptable for the warning/legislative sticker to display a suppliers name.

Inspection	Failure	Note
Check windows	Missing Insecure Not made of safety glass Excessively scored or marked Tinted so as to obscure visibility Obscured by signs/stickers	
Check window opening	Does not open Insecure Open beyond design limits	Applies only to windows designed to open

EXHAUST

The exhaust pipe must be fitted or shielded so that no flammable material can fall or be thrown upon it from any other part of the vehicle and that it is not likely to cause a fire through proximity to any flammable material on the vehicle. The outlet must be placed at the rear of the vehicle in such a position as to prevent exhaust fumes entering the vehicle.

Inspection	Failure	Note
Check exhaust system	Insecure Leaking Corroded	

LUGGAGE COMPARTMENT

The vehicle must have adequate provision for the carriage of luggage with an effective method of securing luggage being provided. No luggage fittings may be attached to or carried upon the outside of the vehicle.

Inspection	Failure	Note
Check for cleanliness/tidiness	Dirty Untidy	
Check boot latch	Insecure Defective	
Check luggage carrying capacity	Insufficient space to carry two suitcases	
Check mechanism to secure luggage	Missing Insecure	

ACCESSIBILITY

The purpose of these inspections is to ensure compliance with legal requirements and to ensure safety for passengers and driver.

- All Taxis must be wheelchair accessible. Wheelchair accessible Private Hire Vehicles must comply with accessibility requirements of this section
- Wheelchair accessibility must be available without the requirement to remove any seating from the vehicle. Seating may be moved within the vehicle on approved tracking in the vehicle floor to provide sufficient space for wheelchair compliance. Anchorage for a wheelchair should be available in a forward/reverse and side to side direction.
- If the vehicle is fitted with a powered lifting ramp it must be presented for inspection with current certification.
- Steps.
- The top of the tread on the lowest step for any entrance, or where there is no step on the floor itself at the lowest entrance, must not be more than 38 centimetres above the ground when the vehicle is unladen.
- Where any step in the vehicle is electronically operated, it must be fully retractable, tamper and weather-proof. Any such step must be equipped with sensors and a warning system to alert the driver when the step is extended. This step should be under the automatic control of the driver in such a way that it cannot be left extended when the vehicle is moving.
- Any fixed step must not protrude from the vehicle line further than the folded in rear view wing mirror

Inspection	Failure	Note
Check passenger side door entrance	Any height dimension less than 1220mm Any width dimension less than 680mm No locking device in open position	
Check passenger rear door entrance	Any height dimension less than 1220mm Any width dimension less than 780mm No locking device in open position	
Check access ramps for side or rear door as applicable	Missing Max gradient greater than 25% (1:4) Safe working load less than 250kg	
Check Passenger Lift	Hydraulic oil leak	
Check LOLER Record	If certificate in excess of 6 months	
Check minimum space requirement for wheelchair.	An area of less than 1200mm by 700mm wide. (1200mm to be measured from rear wheel of wheelchair location to footstep location in vehicle)	

SEATING

The purpose of these inspections is to ensure the safety of passengers.

Inspection	Failure	Note
Check seating	Not securely fixed Not facing either front or rear Not provided with 3 point lap and diagonal seat belt or where not possible a 2 point lap seat belt.	
Check upholstery	Dirty Worn Torn	

FLOOR COVERING

The purpose of these inspections is to ensure the safety of passengers.

- Floor coverings should be of a quality and standard to minimise the possibility of any slip or trip hazard.

Inspection	Failure	Note
Check floor covering	Dirty/Oily Excessively worn Torn Uneven	

HAND GRABS

The purpose of these inspections is to ensure the safety of passengers.

Inspection	Failure	Note
Check hand grabs	Missing Insecure	

METER & FARE TABLE FRAMES

- All taximeters must be calendar type.
- Where a taximeter is fitted, it must be operational, calibrated to the correct Fare Table and be sealed by the Licensing Authority in a manner that meets the satisfaction of the Licensing Authority. Every taximeter must be fitted in a position where the passenger can easily view it. All vehicles fitted with a taximeter must display the Licensing Authority approved Fare Table in a position enabling the passenger to view it.
- **It is an offence to operate with a taximeter that is not sealed and vehicles must not operate if the seal has been broken, damaged or tampered with in any way. The Licensing Authority shall retest meters before being used again.**
- Taxi Plates issued by the Licensing Authority will be displayed at all times when the vehicle is on or available for hire. Plates require to be kept clean and if broken should be replaced by the Licensing Authority on payment of the appropriate fee.

- Meter calibration and sealing will take place annually.
- Private Hire Cars do not require a taximeter to be fitted, but where a taximeter is fitted it must be used unless the hirer has given prior permission.
- Private Hire pre-booked signs issued by the Licensing Authority will be displayed at all times when the vehicle is on or available for hire.
- Private Hire identification plates must be displayed on the front and rear of the vehicle.
- After a Fare Table review and approval by the Licensing Authority, operators must present all vehicles for checking of taximeter calibration and sealing within fourteen days of the commencement of the new Fare Table

Inspection	Failure	Note
Check fare table frame	Missing Insecure Incorrectly positioned to be easily viewed by the passenger	
Check fare table	Missing Incorrect fare table Incorrectly positioned to be easily viewed by the passenger	
Check taximeter seal	Missing Damaged Not approved by Council	
Check taximeter	Not operational Incorrectly positioned to be easily viewed by the passenger	

Inspection	Failure	Note
Check taximeter calibration for distance over a pre-determined measured distance	Calibration is shown to be incorrect	
Check taximeter calibration for standing time	Calibration is shown to be incorrect	

ENGINE & ANCILLARIES

These checks are primarily a visual examination of readily observable items.

Inspection	Failure	Note
Check engine/ancillaries	Dirty Insecure Defective engine mounting Fractured Oil leak Water leak Brake fluid leak Fuel leak Air leak Any warning light illuminated	

FUEL

- Fuel tanks must be adequately protected from possible damage by collision. All fuel tanks and apparatus supplying fuel to the engine must be placed or shielded in such a manner that no fuel overflowing or leaking therefrom can fall or accumulate on any part or fitting where it is capable of being ignited or can fall into any receptacle where it may accumulate.
- The filling point for all fuel tanks must be accessible only from the outside of the vehicle and filler caps must be so designed and constructed that they cannot be dislodged by accident.
- In the case of a gas-powered engine, a device must be provided to enable the supply of fuel to the engine to be cut off immediately. The device must be visible and readily accessible from the outside of the vehicle and the "OFF" position must be clearly marked.

Inspection	Failure	Note
Check fuel tanks	Positioned under bonnet Not protected from collision damage Leaking	
Check fuel supply systems	Not shielded Overflowing Leaking Fuel accumulating on/in any fitting or receptacle	
Check fuel cut off device	Missing Not operating effectively Not visible Not readily accessible Not on outside of vehicle "Off" position not clearly marked	Applies to gas-powered engine only
Alternative fuel range	Fuel range below 60% on presentation for test	Electric, hydrogen or other alternative fuel

ROAD TEST

During a short road test with the vehicle in motion, the following tests will be conducted.

Inspection	Failure	Note
Check engine performance	Not able to maintain a reasonable pace Excessively noisy Excessive vibration	
Check transmission	Excessively noisy Excessive vibration	
Check speedometer/odometer	Inoperative Malfunctioning	
Check clutch operation	Clutch slipping	
Check ride of vehicle	Causes discomfort or distress to a passenger	

SCHEDULE B

DRESS CODE AND ADVERTISING POLICY

1. DRESS CODE

All Drivers must comply with the following dress code while in charge of a taxi or private hire car -

Appropriate dress

- Shirt or polo shirt with collar
- Blouse/skirt/dress with either short or long sleeves
- Full length trousers/jeans or tailored shorts
- Shoes or boots

Inappropriate dress

- Tracksuits
- Shorts/jogging trousers
- Vests /sportswear with club colours
- Baseball caps or other hats
- Flip-flops

2 ADVERTISING POLICY

Taxis

- a) no approval is required for advertising on the two front doors of a taxi (although the Council reserves the right to require the immediate removal of
- b) any advertising on the front doors which would not be permitted in terms of condition 9 of the Taxi Licence Conditions, (i) any advertising which mentions private hire cars or (ii) any advertising which does not comply with this policy).
- c) there is a fee charged (which may be varied from time to time by the Solicitor) for approval of full livery advertising on a taxi which would include adverts on the tip up seats (unless the vehicle is an identical replacement vehicle and identical advertising has already been approved; for the avoidance of doubt approval will still be required but no fee will be charged)
- d) there is a fee charged (which may be varied from time to time by the Solicitor) for approval of advertising on the sides of a taxi vehicle only (unless the vehicle is an identical replacement vehicle and identical advertising has already been approved; for the avoidance of doubt approval will still be required but no fee will be charged in these circumstances)
- e) taxi advertising is restricted to the bodywork and tip up seats only and no advertising is permitted on the windows or interior glass
- f) only one business or product can be advertised on any taxi vehicle

PHCs

Type 1 PHCs – no advertising is permitted, only approved signage, see condition 5 of the Private Hire Car Licence conditions

SCHEDULE C

CCTV SYSTEMS WITHIN TAXIS / PRIVATE HIRE CARS

For the purposes of these guidelines the term "CCTV system" will include any electronic recording device attached to the inside of a vehicle having the technical capability of capturing and retaining visual images and audio recording from inside or external to the vehicle.

Licence operators may choose to install a CCTV system in taxis and private hire vehicles, please note that such installation is optional.

Personal data

If the licence operator decides to proceed with the installation of a CCTV system in a taxi or private hire vehicle, it should ensure that it understands the responsibilities this brings. By installing a camera which covers public areas, the licence operator may become the 'data controller' as the CCTV system will hold 'data' on anyone who is filmed on it. Please note that the Council is not a data controller or data processor for these purposes.

The Information Commissioners Office (ICO) is the organisation that provides guidance on information rights, which includes video and audio recordings. There are useful links on their website including <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/cctv-and-video-surveillance/>

The ICO website explains additional steps which could include signs warning people there is a camera and giving contact details. There are many legal responsibilities the data controller may have in relation to the storage of footage and it is important for the data controller/ licence operator to understand what the installation of a CCTV system may mean in relation to these.

Installation

Generally, the licence operator should ensure that the CCTV system:-

- is installed as prescribed by the equipment and/or vehicle manufacturer installation instructions;
- complies with current British Standards and any other legislative requirements;
- is installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers;
- does not obscure the driver's view; and
- does not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, e.g. not mounted on or adjacent to air bags or air curtains or within proximity of other supplementary safety systems that may cause degradation in performance or functionality of such safety systems.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982**GUIDANCE NOTES****LICENSING OF
TAXI DRIVER'S LICENCE**

1. Ensure all questions are answered
2. The application fee (non-refundable) will be lodged along with the completed application form
3. The following documentation is to be submitted along with the completed application form:
 - One recent passport size photograph showing a true likeness
 - A valid driving licence (You must have held a full driving licence for a continuous period of one year before you can apply)
 - If you are aged 45 and over or if you have stated a medical condition, you must complete the medical consent form. If you are applying for any exemption certificates, supporting medical evidence will be required
 - From 2 October 2023, a 9-character 'tax check' code from HMRC
4. In terms of paragraph 6, Schedule 1 of the Act, where a licensing authority has refused an application, the licensing authority shall not consider within one year from the date of refusal, an application for a taxi/private hire driver's licence unless there has been a material change in their circumstances
5. No licence will be granted or renewed for taxis except in respect of vehicles which are wheelchair accessible
6. From 1 December 2016 it is a requirement for the Licensing Authority to undertake immigration checks. Please see Annex A of the Application Form for a list of evidence that is required to be produced with the application form.

7. In the case of a married woman, provide your maiden name
8. All taxi drivers must attend a Wheelchair Training Course in the carriage of wheelchair passengers, where applicable
9. A holder of an East Lothian taxi driver's licence is permitted to drive both taxis and private hire cars
10. Part D of the application form refers to any convictions / offences. This must be completed accurately. All convictions / offences are to be declared, including those which may be spent or admonished. Failure to do so will be taken into account in determining your application. If there are no convictions / offences of any kind, enter 'None'
11. Any person who, or in connection with the making of this application, makes any statement which they know to be false, or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction
12. Information supplied on this form will be held electronically and applicants are advised that in processing this application, background enquiries will be made which may include reference to personal data held electronically
13. East Lothian Council is required by law to protect the public funds it administers. Thus, the Council may share the information you provide with other bodies responsible for auditing or administering public funds, in order to prevent and detect fraud

Please return the application form with appropriate fee and enclosures to:

Licensing Team
East Lothian Council
John Muir House, Haddington
EH41 3HA