



## **NOTICE OF THE MEETING OF THE LICENSING SUB-COMMITTEE**

**THURSDAY 12 OCTOBER 2023, 2.00pm  
VIA DIGITAL MEETING FACILITY**

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### **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.*

1. Minutes for Approval – Licensing Sub-Committee, 14 September 2023 **(pages 1-14)**
2. Regulation of Short-Term Lets: Amendment of Existing Additional Conditions and Update of Policy Statement – Report by the Head of Corporate Support **(pages 15-40)**
3. Applications for Grant of a Licence to Operate a Short-Term Let
  - a. Seaview, Goose Green Road, Gullane **(pages 41-66)**
  - b. Bay Cottage, Sea Wynd, Aberlady **(pages 67-84)**
  - c. 1 Ivory Court, Langriggs, Haddington (continued application) **(pages 85-135)**

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

**5 October 2023**





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

**THURSDAY 14 SEPTEMBER 2023  
ONLINE DIGITAL MEETING FACILITY**

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**Committee Members Present:**

Councillor C McGinn (Convener)  
Councillor C Cassini  
Councillor C McFarlane

**Other Councillors Present:**

None

**Council Officials Present:**

Mr C Grilli, Service Manager – Governance  
Mr I Forrest, Senior Solicitor  
Ms C Aitken, Licensing Officer  
Ms K Harling, Licensing Standards Officer

**Others Present:**

PC I Anderson, Police Scotland

**Clerk:**

Ms B Crichton, Committees Officer

**Apologies:**

Councillor J Findlay  
Councillor J McMillan  
Councillor T Trotter

**Declarations of Interest:**

None

**SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION**

The Sub-Committee agreed to exclude the public from items 1 and 2 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. CONSIDERATION OF THE FITNESS AND PROPRIETY OF AN EXISTING LANDLORD**

The Sub-Committee agreed that no further action would be taken and the registered landlord could continue in their role.

**2. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE**

The Sub-Committee granted the taxi driver licence.

DRAFT

**PRIVATE**

**1. CONSIDERATION OF THE FITNESS AND PROPRIETY OF AN EXISTING LANDLORD**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**2. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The webcast was resumed and the Licensing Sub-Committee moved back into public business.

## **PUBLIC BUSINESS**

### **3A. MINUTES FOR APPROVAL – LICENSING SUB-COMMITTEE, 8 JUNE 2023**

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

### **3B. MINUTES FOR APPROVAL – SPECIAL MEETING OF THE LICENSING SUB-COMMITTEE, 6 JULY 2023**

The minutes were agreed as an accurate record of the meeting. The Convener noted that of the Members present today, only Councillor Cassini had been present at the special meeting of 6 July, but that none of the other Members had raised issue with the minutes in advance of this meeting.

### **3C. MINUTES FOR APPROVAL – SPECIAL MEETING OF THE LICENSING SUB-COMMITTEE, 10 AUGUST 2023**

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

## **4. APPLICATION FOR THE GRANT OF A LICENCE TO OPERATE A SHORT-TERM LET**

### **a. 25 Balfour Street, North Berwick**

An application had been received from Lisa Hall-Baillie for a licence to operate 25 Balfour Street, North Berwick, as a short-term let (STL). The application would be heard by the Licensing Sub-Committee on the basis that eight objections had been received. The Sub-Committee was required to focus on the suitability of the property to operate as an STL, and on the applicant to hold an STL licence.

Ian Forrest, Senior Solicitor, presented the report. He highlighted the number and terms of the public objections, and confirmed that no objections had been received from any of the statutory consultees. He highlighted the impact of a recent court decision in Edinburgh which, in summary, said that in determining a short-term let licence application, the Licensing Sub-Committee should not look at matters already addressed as part of the planning process. He advised that Members were entitled to include conditions they thought fit and that were within the remit of the Sub-Committee. He also advised that a licence period of three years was usual, unless the Sub-Committee determined a lesser period to be appropriate.

Ms Hall-Baillie spoke to her application. She responded to the terms of the various public objections. Regarding waste management and recycling, she had spoken with council officers and said she was well aware of requirements. She advised that waste would be managed by contractors, but her experience in the industry was that short-term lets did not generate a great deal of commercial waste because guests regularly

ate out. She had never seen the discarded barbecues described in some of the objections, and suggested that there may be some misplaced rubbish from East Beach. She highlighted objections which referred to short-term lets which operated in properties with shared stairwells and front doors, but her property had its own front door. She advised that a property referred to in objections where noisy guests had stood drinking on a balcony into the night was no longer taking bookings. She said that her listing described the property as being an ideal retreat for individuals, couples, and families in a quiet area of North Berwick, and should therefore not attract noisy guests. She also met guests when they arrived and made them aware of the property rules. She said that the property had been upgraded to a high standard and was suitable for guests with mobility issues. She noted that the majority of holiday lets on the street would close since properties with shared stairwells could no longer operate as short-term lets. She also highlighted that none of the objections had complained about guest behaviour in ground floor flats.

Responding to a question from the Convener, Ms Hall-Baillie confirmed that the property had not been used previously as a short-term let.

Stephen Colvin spoke against the application. He said he appreciated the position of the applicant, but disagreed with her position because of the problems residents had experienced with short-term lets. Disposable barbecues had been left on walls, including at self-contained flats, and residents had to pick them up when the wind blew them onto the street. He said that people often had windows open or stood outside, and when in a holiday spirit they caused a good deal of noise. He said that a property next door which had a balcony was still being let to guests, causing a lot of noise. He said that people had been welcoming to his family in the two years they had lived on Balfour Street, and residents met up regularly. He was keen that there be no loss of community spirit, but felt that it was already being lost with less than 50% of the properties housing permanent residents. He said to have another holiday let on the street would amplify an already painful situation.

Alison Clark spoke against the application as a representative of North Berwick Environment and Heritage Trust and on behalf of residents at Melbourne Road and Balfour Street. She said that residents had been overwhelmed by the impact of short-term lets. She noted that Ms Hall-Baillie had not identified a day-to-day manager in the planning application, and it caused concern to neighbours when there was no one for them to contact. She said the experience of short-term lets had been very negative for the only remaining owner-occupier of 16 Melbourne Road, with short term lets at 27 Balfour Street using the bins for the neighbouring property. She said that guests requested neighbour assistance with refuse from STLs on a daily basis, and residents were obliged to sort waste and recycling regularly. She said that cleaners of STLs would clean the flats but not the shared areas. She advised that the application stated that refuse and recycling would be situated in the shared garden area, but that the other owners expressly withheld their permission for use of the shared area for commercial purposes. She said that there was no way to guarantee that paying guests from 25 Balfour Street would not access the shared garden. She noted incidents with other STLs, including nuisance caused by smoking and dog fouling in shared gardens. She said that the new owner of 25 Balfour Street had made no contribution to the shared cost of having and gardener. She summarised that, based on previous experience of STLs in the area, there was a certainty of issues of noise, refuse, and environmental health, and she felt the area should be retained as a residential area.

Natalie Pereira spoke against the application. She sympathised with the applicant since there were a significant number of objections which were not necessarily raised



due to experiences of her property, but were due to the residents dealing with holiday lets on a daily basis. She supported the comments of other objectors, and said that she had submitted an objection because of the antisocial behaviour on the street. She said that marketing a quiet seaside retreat could not guarantee that guests would not disrupt the quiet residential street. She said that there was a strong sense of community amongst the small number of permanent residents on Balfour Street, and she objected when properties that had been long-term residences were converted into STLs. She acknowledged the contribution of STLs to the economy of the town, but said that permanent residents invested on a daily basis. She highlighted the lack of housing available to long-term residents, and argued that long-term residents contributed more positively to the community. She asked the Sub-Committee to be mindful of the community that made North Berwick special. She was concerned that there would be a loss of more permanent housing, for which there was real need.

Responding to a question from the Convener, Ms Pereira was not aware of the instances of antisocial behaviour as having been reported to Police Scotland or East Lothian Council.

The Convener asked Ms Hall-Baillie to elaborate on issues of waste management raised by objectors. She responded that the property had an area to the front which was not a shared garden, and she was happy for recycling to be kept in this area if neighbours felt strongly about the issue. She reported she had spoken with a council officer in April 2023 and was aware of how to organise a commercial waste agreement and would pay for a commercial licence. She reiterated that storing the bins and recycling containers at the front of the property would not require access to shared areas if this was of concern to neighbours.

Responding to a question from the Convener, Mr Forrest advised that a condition requiring commercial waste management could be raised.

The Convener asked about meeting and greeting guests, and about how neighbours would contact her. Ms Hall-Baillie said that she would manage the property and had worked in the industry previously. She said she had invested in the property, wanted people to visit and enjoy it, and did not want neighbours to be upset. She said that the house rules were very strict and the property manual listed the quiet times within the property. She would give her mobile number to the nearest neighbours.

The Convener was minded to grant the application, but proposed that a condition requiring a commercial waste contract. Mr Forrest summarised that the Sub-Committee were requesting that the licensee would obtain and hold a commercial waste management agreement or licence from the council, and the final wording of the condition would appear in the licence as granted. The Convener formally proposed this condition, and Councillor Cassini seconded.

The Convener then moved to a roll call vote and Members unanimously voted to grant the licence, subject to the waste management condition.

## **DECISION**

The Sub-Committee agreed to grant the short-term let licence, subject to the following condition:

- The licensee must obtain and hold a commercial waste management agreement or licence from the council.

**b. Papple Steading, Haddington**

An application had been received from George Mackintosh for a licence to operate four properties within Papple Steading, Haddington, as short-term lets. The application would be heard by the Licensing Sub-Committee on the basis that two objections had been received. The Sub-Committee was required to focus on the suitability of the property to operate as an STL and on the applicant to hold an STL licence.

Mr Forrest presented the report. He highlighted the number and terms of the public objections, and confirmed that no objections had been received from any of the statutory consultees. He advised that the report was made in similar terms to the previous STL licence report, and reiterated the impact of the recent court decision in Edinburgh which, in summary, said that in determining a short-term let licence application, the Licensing Sub-Committee should not look at matters already addressed as part of the planning process.

Mr Mackintosh was present to speak to the application, accompanied by Verity Sinclair, manager. He advised that the previous owner of objector Emma Waddle's property had left on good terms with the venture and had returned as a guest to Papple Steading. He had obtained quotes from two of three of objector Fiona Constable's previous tenants to indicate they were also happy neighbours who had been pleased to see the building restored and had not been disturbed by Papple Steading's guests. He said the self-catered accommodation had opened in 2021; the purpose had been to explain the history of farming and to save the steading, and the accommodation was marketed as a retreat. He said that the objections allowed him to look at the bigger picture. He said that the Airbnb phenomenon had created unpleasant neighbourhood environments, but said this did not apply in this rural area. He said that Papple Steading would play its role in hosting responsible tourism, green tourism, and agritourism.

Fiona Constable spoke against the application. She explained she was one of the joint owners of five Papple cottages, and had owned her property for 11 years. She said this was a large scale commercial venture, currently under Phase 1. She advised that Phase 2 would include another nine lets, a café, and auditorium, and felt this constituted a significant commercial development on the residents' doorstep. She said that the residents all loved nature and the countryside, and were keen to preserve and enhance it. She hoped conditions could be raised to mitigate some of the real concerns residents had. She said that Mr Mackintosh did not communicate with neighbours, despite their boundary being only 20m from his own, and had not warned them of the upcoming short-term let licence application; she asked that he improve communication with residents. She said that the area attracted rich wildlife, including breeding bats and owls, and was not suitable for barbeques and fireworks. There had also been a significant amount of roadkill. She asked that fireworks, barbeques, and fire pits be banned as part of the licence. She asked how noise would be limited when corporate groups were staying, and pointed out that hard surfaces could cause noise to travel in the very quiet area. She said that residents did not want a bar on their doorstep, and said that Papple was entirely the wrong place for such a venture. She urged the council to protect the community in Papple.

Responding to a question from Councillor Cassini, Ms Constable said she had owned the property since 2012 and had bought it to retire to, but was currently not resident there.

The Convener reiterated that the Sub-Committee could not rule on planning matters. He asked about further information relating to the breeding areas of bats. Ms Constable advised that there had been a planning condition designed to protect the breeding owls. She said the roof where barn owls were breeding had been removed in August, and this was under investigation.

Responding to questions from the Convener, Mr Mackintosh said that there was a small barbeque for each property, and one small fire pit on the edge of the wood. He said the premises was compliant in terms of their obligations to bats, owls, and badgers. He said that the fireworks had taken place on bonfire night, and there had been no fireworks other than sparklers since 2020. He reported that trees had been felled by an approved contractor due to ash dieback, and had been clearly displaying the disease. He said that this was a grey area, and the letter had been taken as a warning from Forestry Scotland.

The Convener asked about communication with neighbours, and Mr Mackintosh responded that he had communicated with all three of Ms Constable's tenants.

The Convener commented that while conditions could be imposed relating to communication with neighbours, the issues raised were communications concerns about wider issues relating to planning and not relevant to the STL application.

The Convener then moved to a roll call vote on the application, and votes were cast as follows:

For:	2	(Councillors McGinn and McFarlane)
Against:	1	(Councillor Cassini)
Abstain:	0	

## **DECISION**

The Sub-Committee agreed to grant the short-term let licence.

### **c. 1 Ivory Court, Langriggs, Haddington**

An application had been received from Elizabeth Doig for a licence to operate 1 Ivory Court, Langriggs, Haddington, as a short-term let. The application would be heard by the Licensing Sub-Committee on the basis of objections received, and the Sub-Committee was required to focus on the suitability of the property to operate as an STL and on the applicant to hold an STL licence.

Mr Forrest presented the report. He highlighted the number and terms of the public objections, and confirmed that no objections had been received from any of the statutory consultees. He advised that the report was made in similar terms to the previous STL licence reports, and reiterated the impact of the recent court decision in Edinburgh which, in summary, said that in determining a short-term let licence application, the Licensing Sub-Committee should not look at matters already addressed as part of the planning process.

Ms Doig spoke to the application, and addressed some of the concerns raised within the objections. She understood the area to be residential and quiet, but did not think the addition of this STL would add to noise. She planned to use analytical factors to block certain bookings, and her rules would include a maximum number of guests,

and that there could be no parties or smoking. It was important to her that guests be respectful, and she expected the property to be used by families wishing to holiday in East Lothian who would be out for most of the day. She said that as the property was her main residence and it would be let only when she was away, there would not be increased footfall when there were guests. She gave an account of the distance between her property and neighbouring properties, and highlighted the presence of an 8ft wall which would provide privacy. She said that her property was within a courtyard, but guests would not have to pass any neighbouring properties to gain access. She said that her neighbours had clients viewing their work at their home and moved large items past her doorway, and therefore she did not see a problem with operation of a business from her own home. She said that someone would meet her guests on arrival to direct them on the community, waste issues, and parking. She said that her property had one space and her own car would not be there. She noted the good public transport links in Haddington, and the economic benefits of bringing people to the area to access restaurants and shops.

Responding to questions from the Convener, Ms Doig advised that her property had four bedrooms, so could accommodate a maximum of 7-8 guests. She confirmed that all the properties had a garage and a parking space each.

Patricia Oliver spoke against the application on behalf of the residents of Carlyle Court. She said that Carlyle Court had been built with the elderly in mind and residents were aged 70 to mid-90s. She said some residents were undergoing hospital visits for long term illnesses or had received end of life care, and neighbours were respectful of their need for peace at this time. She said Carlyle Court was close to the back of Ivory Court, and felt the STL could bring the possibility of loud noise as visitors arrived and left, and loud music and barbeques late into the evenings. She noted that there may be times when visitor activity could not be controlled. She said that from a security perspective, the STL could make more people aware of the vulnerability of the community and residents, and asked that the Sub-Committee be mindful of their concerns which were causing residents a great deal of worry.

Pascale and Darren Woodhead spoke against the application. Mr Woodhead said the STL would have a significant impact on their family, home, and lives. They enjoyed a very private and secluded entrance yard, and walking past the applicant's property was their only entrance and exit. Their children and their friends regularly used the yard, and they could not feel secure because visitors could never be fully vetted. The yard was also used for loading of artwork, and the privacy and security of the yard was of utmost importance to the family. He said that the parking situation required constant communication, and with up to 7 guests, it would be likely that two vehicles would be there at a time. They did not give permission for a commercial licence for waste management. He said that windows and doors being open could cause disturbance, but antisocial behaviour was already a problem in Langriggs, with an assault recently having taken place outside the gates. He had also called the police in the previous week to report antisocial behaviour. Mrs Woodhead highlighted the shared courtyard access, and that 1 Ivory Court had to be passed to get to their property. She felt that 1 Ivory Court operating as a business would change the whole dynamic of living there. She was worried about exposing her children to an unsettled and ever-changing set up with people coming and going at all hours. She said that the location was not right for an STL, and noted that the property could later be sold with an STL licence and turned into a full-time business. She said they had communicated their worries to Ms Doig, and asked Members to consider their concerns in making their decision.

Sheena Richardson spoke against the application. She said that her main objections were around parking, and said that residents had fought hard to make access to Langriggs restricted. She was concerned whether having casual visitors would affect the security of the fobs used at the gate to the High Street. She asked whether transportation had been consulted, because there was scarcely room for one car per household. Ms Richardson reported that she had found herself unable to park anywhere near the front of her house without risking a parking ticket, and did not think there was sufficient space for two cars visiting a new business. She asked whether a site visit had been undertaken; she felt that Members needed to understand the limitations of the site, which was on a corner and had tight access. She reiterated that the site was not suitable for several people coming and going at tourist season.

Lorna Will spoke against the application. She said she lived obliquely opposite the entrance to the property and was very familiar with the restricted setup there. She said her major concerns were traffic and antisocial behaviour. She reported there were a lot of problems with youths, and her car had been vandalised. She was concerned over there being more strangers coming into the area, and did not appreciate the thought of further traffic difficulties.

Councillor McFarlane asked Ms Doig how she would ensure the elderly residents at Carlyle Court were not disrupted. Ms Doig responded that she would vet applications. She noted that the property had a very small back yard and no barbeque. She advised that there was a garden area with at least 8m of space between her 8ft wall and the residents' area of Carlyle Court. She assured Members that the antisocial behaviour in the area had not come from holiday lets. She said she would make guests aware of local residents when checking them in, and would mitigate against any issues. She thought that guests would not spend a great deal of their time in the property.

The Convener raised the idea of undertaking a site visit, because he felt he did not have a thorough understanding of the layout of the parking situation, or the proximity of the property to neighbouring bedrooms, walls, and gardens. Mr Forrest advised that if Members felt the information they had was insufficient on the basis of unfamiliarity with the property, then they could consider whether an in-person visit would assist. He highlighted that how the property looked would have been addressed in the planning process, but confirmed it was within the Members' power to defer the application if they currently felt unable to make an informed decision and a site visit would provide further information.

The Convener acknowledged the arguments of objectors, but still felt confused regarding the layout of the site, the access to the shared yard, and over the parking situation. He proposed that a decision be deferred to the following meeting so that a site visit could be arranged. Councillor Cassini seconded this proposal.

The Convener then moved to a roll call vote, and Members unanimously agreed to defer making a decision so that a site visit could be arranged.

## **DECISION**

The Sub-Committee agreed to defer making a decision on the application so that a site visit could be arranged.

**d. 68 Craighall Drive, Musselburgh**

An application had been received from Dagmawi Debench for a licence to operate 68 Craighall Drive, Musselburgh, as a short-term let. The application would be heard by the Licensing Sub-Committee on the basis that six objections had been received. The Sub-Committee was required to focus on the suitability of the property to operate as an STL and on the applicant to hold an STL licence.

Ian Forrest, Senior Solicitor, presented the report. He highlighted the number and terms of the public objections, and confirmed that no objections had been received from any of the statutory consultees. He advised that the report was made in similar terms to the previous STL licence reports, and reiterated the impact of the recent court decision in Edinburgh which, in summary, said that in determining a short-term let licence application, the Licensing Sub-Committee should not look at matters already addressed as part of the planning process.

Mr Debench's solicitor, Lynn Simpson, spoke to the application for home sharing and home letting. She advised that the application was not for secondary letting, and the property was Mr Debench's main residence. The property had three bedrooms and a large driveway that could accommodate up to three small cars. She explained that Mr Debench was a healthcare professional who opened his home to other healthcare professionals who may be visiting the area to work, and would charge a small fee. Home sharing offered a more affordable option than a hotel room for those travelling to the area for work, and was common practice within the healthcare sector. She advised that home letting had been included in the application to cover arrangements when Mr Debench might be away on holiday or visiting family, to give him the option to rent out his home. She felt that there was misconception among the objectors as to what Mr Debench was seeking to do. She said that Mr Debench wanted to have a good relationship with his neighbours and would take all necessary steps to ensure his guests respected the neighbourhood.

The Convener highlighted that home letting appeared to be in contravention to the property's title deeds. Ms Simpson responded that the suggestion of a breach in title deeds by secondary letting was not relevant to the hearing, and the law surrounding this was outwith the scope of the Sub-Committee. She also advised that loss or detriment from a breach of title deeds would have to be shown in court for these to be enforced.

Responding to a question from the Convener, Mr Forrest said that conditions which specified a number of weeks per year the property could be let may become unfairly restrictive.

The Convener thought the application was very worthwhile for the people coming to stay in the property. He felt unsure about the change of use for a new build property, and wondered whether a shorter licence may be appropriate. Mr Forrest responded that the justification for granting a licence for less than the standard three years would have to be clear. The Convener said that he was concerned that granting an STL licence over a new build property could set a precedent within communities that had not properly been established. Mr Forrest advised that there were currently no planning short-term let control areas or matters of overprovision in East Lothian, and he was not therefore persuaded that there was justification for the licence being granted for a shorter period of time.

The Convener then moved to a roll vote, and Members unanimously agreed to grant the application.

## **DECISION**

The Sub-Committee agreed to grant the short-term let licence.

### **e. Marine Lodge, 21A Westgate, North Berwick**

An application had been received from Andrew Hinds for a licence to operate Marine Lodge, 21A Westgate, North Berwick as a short-term let. The application would be heard by the Licensing Sub-Committee on the basis that one objection had been received. The Sub-Committee was required to focus on the suitability of the property to operate as an STL and on the applicant to hold an STL licence.

Mr Forrest spoke to the report, and highlighted the terms of the objection. He confirmed there were no objections from any statutory consultees. He advised that the report was made in similar terms to the previous STL licence reports, and reiterated the impact of the recent court decision in Edinburgh which, in summary, said that in determining a short-term let licence application, the Licensing Sub-Committee should not look at matters already addressed as part of the planning process.

Mr Hinds was unable to attend the meeting and had submitted a response to the objection, which was contained within the meeting papers.

The Convener noted that the submitted objection had been brief and not specific to the operation of this property as a short-term let. He also noted the lengthy statement from the applicant addressing the points raised in the objection, and that the property had been in use as a short-term let for 11 years. He felt that consultees would have raised the matter had there been issue with the property over its period of operation.

The Convener moved to a roll call vote, and Members unanimously indicated their support for the application.

## **DECISION**

The Sub-Committee agreed to grant the short-term let licence.

## **5. TAXI AND PRIVATE HIRE CAR LICENSING**

A report had been submitted by the Head of Corporate Support to allow the Licensing Sub-Committee to note the updated conditions attached to taxi and private hire car (PHC) drivers and operators licences and the driver application guidance. These documents had been updated with statutory requirements relating to HMRC checks. The Sub-Committee would also be asked to make a decision on amending the age at which taxi and private hire vehicles could be licensed.

Mr Forrest presented the report and highlighted the salient points. He said the changes were being made in large part due to the upcoming statutory changes for HMRC checks relating to income and tax; similar requirements were also being made of metal dealers as well as other trades. The opportunity had been taken to propose general updates to the conditions. There were also proposed amendments to the age at which taxi and PHC vehicles could be licenced; this would make life easier for the trade as it could be difficult to afford and trace newer vehicles, and the proposed

system would allow more leeway. He advised that consultation had not been undertaken with the trade due to the bulk of the proposals being statutory changes, and the proposals relating to the age of vehicles being of benefit to the trade. He acknowledged that Members may prefer to have opportunity to consult with the trade on the proposals.

The Convener acknowledged that the HMRC checks were statutory changes and the changes with regards to vehicle checks were in response to the trade's request. However, he wished to gain a clearer understanding of any other changes within the documents, and for the trade to be notified and have the opportunity to comment. He suggested that the report could be continued to allow officers to notify and consult with the trade.

Mr Forrest summarised that the Convener was proposing to defer making a decision on the terms of the report to enable licensing officers to undertake a consultation with the trade, which would include communication outlining the proposals and seeking comments. The results of this consultation would be reported back to Members, ideally at the October meeting of the Licensing Sub-Committee, and would allow Members to make an informed decision. The Convener agreed with these terms; he formally proposed that a decision be deferred, and Councillor McFarlane seconded the proposal.

The Convener added that it would be helpful if specific changes to the policy could be highlighted, ideally with some kind of comparison document.

The Convener then moved to a roll call vote, and Members unanimously agreed to defer making a decision until a consultation could be undertaken.

**DECISION**

The Sub-Committee agreed to defer making a decision on the terms of the report to enable licensing officers to undertake a consultation with the trade, which would include communication outlining the proposals and seeking comments. The results of this consultation would be reported back to Members, ideally at the October meeting of the Licensing Sub-Committee, and would allow Members to make an informed decision.

Signed .....

Councillor C McGinn  
Convener of the Licensing Sub-Committee



**REPORT TO:** Licensing Sub-Committee

**MEETING DATE:** 12 October 2023

**BY:** Head of Corporate Support

**SUBJECT:** Civic Government (Scotland) Act 1982 and Planning (Scotland) Act 2019 Regulation of Short-Term Lets: Amendment of Existing Additional Conditions and Update of Policy Statement

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2

## 1 PURPOSE

- 1.1 To amend existing Additional Conditions of licence and to update the Short-Term Let Policy Statement, both of which were agreed at the Licensing Sub-Committee of 9 June 2022.

## 2 RECOMMENDATIONS

- 2.1 The Licensing Sub-Committee is asked to consider expanding the current Additional Condition (6) from the current wording, which is- "*Liquefied Petroleum Gas (LPG) shall not be used or stored on the premises*" to:

*"The licence holder shall not permit the use or storage, on the premises, of LPG room-heaters or, unless in an external store designed and approved for such storage, the storage of any liquefied petroleum gas (LPG) or any highly inflammable liquid, gas, or substance. This condition shall not apply to small amounts of liquids or gas sold in small non- refillable retail packs (e.g., lighter fuel or cosmetic appliance cartridges) kept by guests for their own use. Nor shall it apply to the external storage of LPG in cylinders or tanks which are provided by the licence holder for the provision of gas for cooking or for water or space heating or other domestic use, provided the storage complies fully with LPGA Codes of Practice and Building Regulation Technical Standards and that any installation connected to such cylinders or tanks complies with The Gas Safety (Installation and Use) Regulations 1998 or any amendment thereto."*

- 2.2 The Licensing Sub-Committee is asked to consider updating the Short-Term Lets Guidance and Policy in relation to floor plans (which are to be lodged along with an application).

- 2.3 The Guidance currently states that floor plans are required to specify the location of:

- Sanitary ware
- Cooking facilities
- Power outlets

- Lighting points and switches

and to be to a scale of 1:50 or 1:100.

2.4 The Short-Term Lets Policy Statement (Section 7.2) advises that floor plans should include details of:

- Room sizes
- Fire escape routes
- Accommodation intended for guests with mobility impairment
- Location of any steps, stairs, elevator or lifts
- Extent and boundary of the building (where deemed appropriate)

2.5 It is recommended that:

- (i) Guidance wording is amended to:

A legible, accurate and measurable plan of the premises (preferably to a scale of 1:100) is required, indicating the following:

- Room sizes
- Sanitary ware
- Cooking facilities
- Power outlets
- Lighting points and switches
- Accommodation intended for guests with mobility impairment
- Number of guests occupying each bedroom

- (ii) The Short-Term Let Policy Statement wording is amended to the same as the above.

2.6 The Licensing Sub-Committee is asked to approve the updating of the Short-Term Let Policy on license refusals (Section 9.2). There are currently transitional measures in place (which end 1 October 2023) which allow local authorities to 'refuse to consider' a licence application on the basis it breaches planning control, and the applicant is then given three months to apply for planning permission.

2.7 It is recommended that East Lothian Council change this provision so that the Licensing Authority may not require a further application in relation to applications received after 1 October 2023 which are considered to breach planning control and are refused to be considered by the licensing authority, provided application to the planning authority is made within three months of the date the applicant is notified of the Licensing Authority refusing to consider such application. The authority may require a new application is submitted should applications to the planning authority be made out with the abovementioned three-month period.

### **3 BACKGROUND**

3.1 The Short-Term Let licensing regime opened on 1 October 2022 and the diversity of applications received is now becoming apparent, which is resulting in practical conditions being reviewed.

3.2 A number of local authorities are being challenged on the lawfulness of their policies, including a judicial review of City of Edinburgh Council's policy. As a result, some sections of East Lothian's local policy have been reviewed. A full review of the policy is required to be undertaken (and published) on or before 1 October every three years after 1 October 2022.

#### **4 POLICY IMPLICATIONS**

4.1 None.

#### **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 Other – not yet calculated.

#### **7 BACKGROUND PAPERS**

7.1 None.

Appendix 1 – Application Guidance

Appendix 2 – STL Policy Statement

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<b>DATE</b>	28 September 2023

## SHORT-TERM LETS LICENSING

# APPLICATION FORM GUIDANCE NOTES

## The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022

These guidance notes have been provided to help you completing the application form before lodging an application for a licence for a Short Term Let (STL) please ensure that you have read the following Guidance.

### Part 1: Application and licence type

#### Q1: Application type:

Applications will be made for either a new licence, or to renew a licence. Applications to renew a licence must be submitted prior to the expiry of your current licence. Renewal applications should be submitted three (3) months prior to the expiry date.

If you are an existing operator, operating the premises which is the subject of this application, as a short-term let prior to 1 October 2022, please select 'New application (existing operator)'. You will be able to continue operating whilst your application is being determined.

#### Q2: Short-term let licence type:

There are four types of short-term let licence which you can apply for:

1. *Home sharing*: means using all or part of your own home for short-term lets whilst you are there.
2. *Home letting*: means using all or part of your own home for short-term lets whilst you are absent, for example whilst you are on holiday.
3. *Home sharing and home letting*: means you operate short-term lets from your own home while you are living there and also for periods when you are absent.
4. *Secondary letting*: means a short-term let involving the letting of property where you do not normally live, for example a second home;

### Q3: Permission from owners

Where you do not own the property you intend to operate as a short-term let, you must demonstrate that you have secured the consent of the property owners. Examples of situations where this may be relevant and required include where somebody with a private residential tenancy wishes to let out a spare room.

## Part 2: Premises Details

### Premises address

Please provide the full address, including postcode of the premises for which you are seeking a licence. If you have multiple premises, you will be required to submit an application for each premises (except in limited circumstances, for example 10 pods within a single field could be considered a single premises with multiple accommodation units).

### Maximum number of occupants per unit / total maximum occupancy

Please state the maximum number of occupants allowed to reside on the premises. Where there are multiple accommodation units on the same premises, please include the total maximum occupancy and maximum occupancy per unit. Some illustrative examples are included below:

Premises type	Maximum occupancy per unit	Total Maximum occupancy
Self-catering detached house (secondary let – entire property)	10	10
Home sharing with 2 lettable bedrooms	2 bedrooms, with maximum occupancy of 2 per bedroom.	4
Field with 10 separately lettable pods	5 pods with maximum occupancy of 2; 5 pods with maximum occupancy of 3.	25

### Number of bedrooms

Please state the number of bedrooms on your premises. For those offering home sharing, please state the number of bedrooms available for let.

## **Name(s) of joint property owner(s)** *(if applicable)*

Please ensure you provide details of all owners of the property which is the subject of this application.

## **EPC rating**

If you are applying for a licence for secondary letting, home letting or home sharing & home letting of a dwellinghouse, you must confirm the EPC rating of the premises and ensure that it is displayed on any listings for the premises. Please provide a copy of your EPC certificate to allow East Lothian Council to verify compliance.

**Note** – listings need not include the EPC certificate, but only the rating (e.g. EPC – D).

## **Q4: Type of premises**

Unconventional accommodation is a broad term, used to capture all accommodation that is not a dwellinghouse – such as pods, yurts, static caravans etc.

## **Q5: Description of short-term let**

This question will help understand the makeup of the short-term let sector in more detail – and relates to short-term let type. B&Bs and guest houses are often forms of home sharing.

## **Part 3: About You**

### **Q6: Individual or corporate entity**

Part 3 is split into two sections based on whether you are applying as an individual or corporate entity. Corporate entities include: companies, partnerships, trusts or charities.

### **Q7 & 8: Agents and joint ownership**

Common to both sections is the requirement to provide details of all those who are behind the application. For individuals this will include any joint owners, day-to-day managers or agents. For corporate entities, this must include names of all directors, partners or other persons responsible for the management of your short-term let.

## **Part 4: Convictions**

Details of any unspent convictions must be provided for everybody that has been named on your application in order for East Lothian Council as licensing authority to consult with Police Scotland (and any other body as appropriate) to determine whether all those name on the application are considered fit and proper persons.

## Part 5: Checklist

### Application checklist

The application checklist is designed to assist you with preparation of an application for a licence that is complete first time. If your application is incomplete East Lothian Council will return your application to you and ask you to resubmit a complete application.

The checklist is split into 3 sections to ensure:

- You have enclosed all necessary documentation to support your application;
- You understand your obligations; and,
- Your premises is suitable (and ready for inspection, if required).

Floorplans are required to be measurable to an accurate scale of 1:50 or 1:100 for first time applications only, unless there have been internal property changes since a previous application or we have incomplete / illegible plans from a previous application. Plans shall be provided on either A4 or A3 paper, indicating the following:

- To be to a metric scale and have a scale bar on each drawing
- Floor plans of each level including the layout of all rooms together with the location of sanitary ware, cooking facilities, power outlets, lighting points and switches
- All documents must be legible, accurate and measurable
- The number of guests occupying each bedroom

## Part 6: Declaration

You are required to complete a declaration to confirm you have read and understood the mandatory conditions that apply to all short-term lets in Scotland and any additional conditions that are required by your licensing authority.

As noted within the declaration it is an offence to provide false or misleading information on your application form which could lead to prosecution, and you are therefore required to indicate that the information provide on your application form is correct to the best of your knowledge.

### Licence Fees

Fees will be updated annually and can be found at [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)

## Additional Documents:

**Site Notice** – Applicants have a statutory obligation to advertise display a notice of application stating that an application for a short-term let licence has been made.

A template site notice is provided. This notice should be completed clearly and legibly. The notice must be displayed suitably protected from the elements on or near to the property in a position where it can be easily read by members of the public for a period of 21 days starting on the date on which your application is lodged with the Council.

You must take reasonable steps to protect the notice and if it is removed, obscured or defaced, within the 21 day period, it should be replaced. At the end of the 21 day period the compliance notice must be completed and the entire notice must then be returned to East Lothian Council, Licensing, John Muir House, HADDINGTON, EH41 3HA or [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

If the notice has been removed or defaced then you must provide the Council with written confirmation that you displayed the notice for 21 days as required and took steps to protect and replace the notice if appropriate.

**Note** – Where an applicant believes that compliance with the requirement to display a Site Notice is likely to jeopardise the safety or welfare of any persons, or the security of any premises, they may apply to the local authority to be exempt from this requirement.

## Submitting your application

Before submitting your application, please ensure the following:

- The checklist at part 1 has been fully completed.
- The correct application fee is attached.
- All required certificates and supporting documentation are attached.
- The premises is ready for a property inspection to be carried out – (irrespective of whether or not the local authority chooses to inspect your premises).

## Further information and links:

- Scottish Government Short-Term Lets webpage:  
Short-term lets: regulation information – [www.gov.scot](http://www.gov.scot)
- Scottish Government Licensing Guidance for Hosts and Operators:  
*Short term lets – licensing scheme part 1: guidance for hosts and operators*  
[www.gov.scot](http://www.gov.scot)
- Scottish Government Planning Guidance for Hosts and Operators:  
*2. Guidance for Hosts and Operators – Short term lets: planning guidance for hosts and operators*  
[www.gov.scot](http://www.gov.scot)





# Licensing Policy Statement

## **Short-term Lets**

**2022**

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## Section 1: Introduction

### 1.1 Links to local Plans and Strategies:

The Short-Term Lets Policy becomes effective from 1 October 2022 and links to:

- East Lothian Plan 2017-2027, Outcome 1.2 – Local businesses are thriving and the business base is expanding
- Economic Development Strategy, 2017-2022, Tourism
- Local Housing Strategy 2018-2023 (forthcoming LHS 2023-2028)
- Local Development Plan

### 1.2 Policy focus

The Council's Short-Term Lets Policy focuses on ensuring that an efficient, effective and proportionate licensing scheme is in place, which is customised to the needs and circumstances of the Council's local area and supports applicants who wish to obtain a short-term let licence. The policy outlines how the Council will administer applications, collect fees and monitor short term lets.

### 1.3 Procedure

Detailed Procedures will guide officers through the processes involved.

## Section 2: Policy Purpose, Aims and Objectives

### 2.1 Purpose of the Policy

The Short-Term Lets Policy describes how the Council will manage the licensing of Short-term Lets, including setting out applicable fees, types of licence, refunds policy and complaints and enforcement procedures.

Copies of the Policy, Licence Conditions and the Council's Procedures including the Short-Term Lets Application form and Checklist are available to applicants on the Council's website, or, can be requested by emailing [stl@eastlothian.gov.uk](mailto:stl@eastlothian.gov.uk) or by calling 01620 827664.

### 2.2. Aims of the Policy

The overall aim of the Policy is to ensure that the licensing scheme is:

- in line with the Scottish Government's overall policy aims for the licensing of Short-term Lets;
- efficient, effective and proportionate; and
- customised to the licensing authority's local policies and the needs and circumstances of the licensing authority's local area

## **2.3. Objectives of the Policy**

The Policy will implement its aims through the following objectives:

- ensuring that the licensing scheme is effective, efficient and proportionate
- offering appropriate guidance and support to applicants using the licensing scheme
- ensuring the Council has a good knowledge and understanding of the local area with regards to short-term lets
- ensuring the safety of short-term lets through accommodation being offered, minimising the risk to guest and their families
- ensuring that those living in properties adjacent to short-term lets benefit from improved safety, especially risk of fire
- ensuring that noise, nuisance or anti-social behavior is tackled effectively
- minimising the risk of crime in the local authority area
- effectively monitoring the Policy and related procedures
- ensuring consistency with other policies and strategies

## Section 3: Legal Framework

### **3.1 The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022**

The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 (the “2022 Order”) was approved by the Scottish Parliament on 19 January 2022 and came into force on 1 March 2022.

The effect of the Order is that from 1 October 2022, the use of accommodation for a Short-term Let is an activity for which a licence is required under the Civic Government (Scotland) Act 1982 (the “1982 Act”).

### **3.2 Short-term Lets definition**

A Short-term Let means the use of residential accommodation provided by a host in the course of business to a guest, where:

- the guest does not use the accommodation as their only or principal home,
- the short-term let is entered into for commercial consideration
- the guest is not an immediate family member of the host, an owner or part-owner of the accommodation, or sharing the accommodation as part of an arrangement made, or approved by a school, college, or university
- the accommodation is not provided for the principal purpose of facilitating the provision of work or services by the guest to the host, or to another member of the host’s household
- the accommodation is not excluded accommodation and
- the short-term let does not constitute an excluded tenancy

### **3.3 Short-term Lets Policy**

The 2022 Order requires East Lothian Council to have a Short-term Let licensing scheme in place by 1 October 2022.

In preparing this policy, East Lothian Council has had due regard to the Supplementary Guidance for Licensing Authorities, Letting Agencies and Platforms issued by the Scottish Government. This is available at [Supplementary Guidance for Licensing Authorities, Letting Agencies and Platforms](#).

This policy should be read in conjunction with the 2022 Order and all relevant legislation, including but not limited to the 1982 Act, the Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021, the Equality Act 2010, the Data Protection Act 2018 and the Antisocial Behaviour etc. (Scotland) Act 2004.

### **3.4 Consultation on Short-term Lets policy**

In April 2019, the Scottish Government launched a public consultation and commissioned independent research into the impact of short-term lets on people and communities. The consultation paper outlined possibilities for a regulatory approach, which included the licensing of short-term lets. The paper noted the range of approaches adopted in cities and countries around the world and asked for opinions on the types of short-term lets which should be regulated and the controls which should be applied. In parallel with the consultation, the Planning (Scotland) Act 2019 completed its passage through the Scottish Parliament and includes provision for the establishment of short-term let control areas.

In May 2019, the Scottish Government commissioned research to address gaps in the available evidence on the impact of short-term lets on housing and communities. The research combined both secondary data analysis of information published by Airbnb and surveys of residents and hosts, and in-depth interviews involving residents, hosts, community actors and local businesses.

In addition, East Lothian Council has consulted with relevant internal departments on the draft policy and conditions documents.

## **Section 4: Temporary Exemptions & Temporary Licences**

### **4.1 Temporary Exemptions**

Under the 2022 Order and related Guidance, Councils may grant temporary exemptions to the requirement to have a short-term let licence.

East Lothian Council does not intend to have a policy on temporary exemptions and would not be supportive of such applications.

### **4.2 Temporary Licences**

Under the 2022 Order and related Guidance, Councils may decide to grant temporary licences.

It is not East Lothian Council's intention to consider any applications for a temporary licence.

## Section 5: Licence Duration and Renewal

### 5.1 Type of Licence

There are four types of licence for short term let accommodation:

- secondary letting;
- home letting;
- home sharing; or
- home letting and home sharing

Home sharing and home letting concern the use of the Host or Operator's only or principal home, whereas secondary letting makes use of a separate premise.

### 5.2 Duration

The Council may grant a licence for a period of up to three years, after which it requires to be renewed. Each licence will have a reference number and will confirm the expiry date. The duration applies from the date on which the licence comes into force.

### 5.3 Renewal

Where an application is made to renew a licence, the licence will continue to have effect until such a time as a decision is made on the renewal. The Council intend to grant a renewal of a licence for a period of up to three years unless there are circumstances which justify a different time period.

## Section 6: Application Process

### 6.1 Application Form and Checklist

The applicant must complete and return a copy of the Short-term Let application form along with the appropriate fee and checklist, providing copies of all relevant evidence as well as documents to [stl@eastlothian.gov.uk](mailto:stl@eastlothian.gov.uk). Alternatively, applications can be submitted by post to:

Licensing  
John Muir House  
HADDINGTON  
EH41 3HA

Application forms can be found [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)

### 6.2 Notifying residents and neighbours

Applicants are responsible for notifying residents and neighbours of their application for a new Short-term Lets Licence, or renewal of an existing Short-Term Lets licence. Applicants are required to display a Site Notice clearly at, or near the premises, so that it can be conveniently read by the public, for a period of 21 days, beginning with the date on which the application was submitted to the Council.

A Notice must state:

- that an application has been made for a licence
- the main facts of the application:
  - Where the applicant is a natural person:
    - type of licence applied for;
    - name and address;
    - and where applicable, the name and address of anyone carrying on the day-to-day management of the activity
  - Where the applicant is other than a natural person:
    - Name and address of the registered or principal office
    - Names and addresses of directors, partners or other persons responsible for its management;
    - and where applicable, the name and address of anyone carrying on the day-to-day management of the activity
- the address of the premises from where the activity is to be carried on
- that objections and representations in relation to the application can be made to the Council, and
- how to make objections or representations.

Applicants are required by the 1982 Act to provide a Certificate of Compliance to the Council as soon as possible after the 21 days has expired, confirming that they have displayed the Site Notice.

A template Site Notice and Certificate of Compliance can be found [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)

### **6.3 Application Checks**

The Council must refuse an application for a Short-term Let licence if not satisfied that the applicant is a fit and proper person. The Council will carry out necessary checks to establish whether the applicant is a fit and proper person. This may include a visit to the premises, where required. The statutory consultees for this licensing scheme are Police Scotland and the Scottish Fire and Rescue Service.

The Council and Scottish Fire and Rescue Service may undertake an assessment of the maximum number of guests that can be accommodated safely.

The Council may also ask for plans to show the location of any steps, stairs, or lifts in the premises, as well as the extent and boundary of the building where relevant.

### **6.4 Timescale**

The Council aim to make a decision within 21 days from the end of the consultation period (28 days).

### **6.5 Public Register**

When a Licence has been granted, this will be recorded in the public register, which is available upon request.

The public register will include:

- licence number
- licence type
- number of bedrooms in the premises
- contact details for the applicant and/or agent of the premises



- the Energy Performance rating

The Council will maintain the public register of licensed short-term lets and update as often as possible, with reviews being carried out on a quarterly basis.

## 6.6 Objections

Anyone can make an objection or representation to the Council, about an application for a Short-term Let licence. The objection or representation should be made during the 21 day consideration period following the application being submitted. Late objections may be considered in some circumstances where reasons are provided.

An objection or representation should be submitted in writing to [stl@eastlothian.gov.uk](mailto:stl@eastlothian.gov.uk). Alternatively objections can be sent to:

Licensing  
John Muir House  
HADDINGTON  
EH41 3HA

The objection and representation should set out the objector's name and address, specify the nature of the objection or representation and state the address or reference number of the Short-term Let licence application.

An objection may be related to, but is not limited to, the following areas:

- whether the applicant is a fit and proper person;
- the location, character, condition or type of accommodation;
- whether the accommodation has relevant planning permission;
- the possibility of undue public nuisance, public order or public safety;
- whether there is a risk of affecting the privacy and security of neighbours; or
- whether there is other good reason for refusing the application.

The objection or representation cannot be treated confidentially. The Council will acknowledge the objection or representation and a copy will be sent to the applicant or their representative.

Once the application has been allocated to a meeting of the Licensing Sub-committee, the Council will send the objector a letter inviting them to attend the meeting to speak to the objection or representation. At the hearing, the objector will be provided with an opportunity to speak to their objection or representation and the applicant will be provided with an opportunity to respond.

Frivolous or vexatious objections or representations will not be considered.

## 6.7 Fees

A flat rate fee has been set by East Lothian Council, regardless of the type of licence applied for or the size of the let property. This policy will be reviewed as required. Details of fees can be found [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)

## 6.8 Refusal of a Licence

The Council will refuse an application for a Short-term Let licence where it is not satisfied that the applicant is a fit and proper person. The Council may refuse an application for a Short-term Let licence if the property is shown to be unsafe, or, there are significant risks to safety and security.

## 6.9 Refunds

The Council will **not refund** any fees charged for processing the application or renewal if the application is refused.

Where a licence is refused because the host or operator needs to obtain planning permission, the Council will not charge an additional fee in respect of a resubmitted application made within 28 days of planning permission being granted provided that the application for planning permission is submitted without undue delay.

## 6.10 Appeals Process

Applicants can appeal against a refusal of their Short-Term Let licence application. The appeal should be made within 28 days of being notified of the refusal and should be made to the Sheriff.

## Section 7: Licence Conditions:

### 7.1 Mandatory Conditions

The 2022 Order requires all short-term let licenses across Scotland to apply the mandatory licence conditions. A list of the mandatory licence conditions is contained in Appendix 1.

### 7.2 Maximum Occupancy Condition

It is a mandatory condition that hosts and operators ensure that they do not exceed the maximum number of guests for their premises. This includes making the maximum occupancy clear on adverts, listings, as well as in booking terms and conditions.

Applicants will state in their application how many guests they would like to accommodate. The Council will consider the following criteria when determining maximum occupancy:

- the number requested on the application form
- the maximum number that can be accommodated safely (broken down to the number of adults and the number of children (under 2 years of age))
- the maximum number that can be accommodated within tolerable noise and nuisance standards for neighbours

The Council may ask applicants to submit a floor plan for their premises as part of their application. This should indicate room sizes, fire escape routes and accommodation intended for guests with mobility impairment. The Council may also wish to ask for plans to show the location of any steps, stairs, elevators or lifts in the premises, as well as the extent and boundary of the building where deemed relevant.

### 7.3 Additional Licence Conditions

In addition to the mandatory licensing conditions, the Council will impose additional licence conditions to a short-term let licence. The Council will review its list of additional licence conditions on a regular basis. A list of the additional licence conditions can be found in Appendix 2.

Where the Council opts to impose a supplementary licence condition, it will set out the issue that is being addressed by the supplementary condition, the reasoning for the supplementary condition, the action required of the licence holder and the deadline for this action to be completed by.

The Council will review its list of additional licence conditions on a regular basis. A list of the proposed additional licence conditions can be found in Appendix 2. This list is not exhaustive.

## Section 8: Licence numbers

### 8.1 Provisional Licence Numbers

A unique licence number will be given to existing hosts and operators who apply for a licence before 1 April 2023. This is known as a provisional licence number and will allow existing hosts to continue operating until their application has been determined.

Anyone applying after 1 April 2023 cannot operate whilst their application is being determined.

### 8.2 Licence Numbers

Licence numbers will be issued in a consistent format to assist letting agencies and platforms in being able to use the licence number provided by the host or operator in their listings.

The format of the licence number, alongside information contained in the public register, will allow anybody to identify:

- the Council that issued the licence (and therefore the area to which the licence relates);
- the type of short-term let to which the licence relates (public register); and
- the type of licence issued

### 8.3 Licence number specification

The licence number will comprise of 8 characters, three of which are alphabetical (capital letters) and 5 of which are numerical digits (D):

For example: **A<sub>1</sub>A<sub>2</sub>DDDDDA<sub>3</sub>**

The leading two characters (A<sub>1</sub>A<sub>2</sub>) will identify the Council; East Lothian Council will use **EL**. The 5 digits will be issued by each Council.

The final character (A<sub>3</sub>) will denote the type of "licence" to be issued:

- **T** Temporary licence
- **P** Provisional licence number issued on receipt of a licence application
- **F** First (full) licence
- **R** Renewed licence

For example: **EL00001T**

This number relates to a temporary licence (T). The type of short-term let (e.g. home sharing) will be displayed on the public register.

## Section 9: Planning considerations

### 9.1 Short-Term Let control area

The Council may refuse to consider an application for a short-term let if the host or operator of a dwelling house within a short-term let control area needs planning permission but does not have it.

The high-level policy purpose behind control areas is as follows:

*“to help manage high concentrations of secondary letting (where it affects the availability of residential housing or the character of a neighbourhood); to restrict or prevent short-term lets in places or types of building where it is not appropriate; and to help local authorities ensure that homes are used to best effect in their areas”.*

It is a mandatory condition that a host or operator has planning permission, or, has made an application for planning permission, where all of the following conditions apply:

- they are using it for secondary letting; and
- it is a dwelling house.

In these circumstances, the host or operator must have made an application for planning permission or already have planning permission before they apply for a licence. In most cases, planning applications are determined within two months of being registered. Planning enquiries should be directed to [environment@eastlothian.gov.uk](mailto:environment@eastlothian.gov.uk)

East Lothian Council currently has no control areas designated and this will regularly reviewed.

### 9.2 Licence refusals

The power to refuse a licensing application is designed to assist the Council in handling applications for secondary letting but Councils can use it in other circumstances too, such as letting rooms in your own home. Further details can be found in planning guidance for hosts and operators.

The Council has 21 days from receipt of a valid application to decide to refuse to consider the application. Where an application is refused, the applicant can request a review within 21 days of the Council’s decision. Appeals should be sent to [stl@eastlothian.gov.uk](mailto:stl@eastlothian.gov.uk)

Alternatively, appeals can be sent by post to:  
Licensing  
East Lothian Council  
John Muir House  
HADDINGTON  
EH41 3HA

If the Council refuses to consider an application for secondary letting, they will inform the host or operator within seven days of that decision and explain why they are refusing to consider the application.

Before 1 October 2023, the Council cannot determine a licence application on the basis it breaches planning control unless existing hosts have been given a chance to submit an application for planning permission or, for a Certificate of Lawful Use or Development ("CLUD"). The Council may determine a licensing application before this date where planning permission or, a CLUD has already been refused.

The applicant has three months from the date their application for a short-term let was submitted to lodge an application for planning permission or for a CLUD.

Where the Council has not received an application for planning permission during this time, the application is finally determined and the applicant can no longer provide short-term lets.

### **9.3 Links with control areas**

Where a control area is designated, the Council will publish details of this on their website. This will assist hosts in determining whether, or not, to apply for a licence, in the knowledge that planning permission or a CLUD will be required.

The Council will give licenced hosts and operators a reasonable opportunity to comply with this mandatory condition by submitting a planning application. The host or operator should do this as soon as possible after the control area is designated.

The Council will ensure that licenced hosts or operators who may be affected by the designation of a control area are alerted as part of the planning authority's consultation process.

### **9.4 Where planning permission is refused**

Where the Council refuse planning permission for short-term lets, the application or licence contingent on the planning permission will be refused, varied or revoked, as appropriate.

It will not always be necessary for an application to be refused, or licence to be revoked. For example, a host or operator may have a licence to let out one bedroom in their own home but have submitted an application to vary the licence, and an accompanying planning application, in order to let out three bedrooms. In this case, the applications might be declined but the existing licenced activity can continue.

## Section 10: Compliance and Enforcement Action

### 10.1 Complaints

Anyone may make a complaint to the Council about the way a host or operator is operating their short-term let.

Complaints regarding a short-term let should be sent to [stl@eastlothian.gov.uk](mailto:stl@eastlothian.gov.uk) for investigation. Alternatively complaints can be sent by post to:

Licensing  
East Lothian Council  
John Muir House  
HADDINGTON  
EH41 3HA

The Council will seek to try to resolve a complaint through engagement with the host or operator in the first instance.

Complaints will be acknowledged within ten working days and complainants will be appropriately kept up to date with the progress of their complaint. The Council will aim to respond to complaints within 21 working days. The Council will keep a record of all complaints made under this Policy.

Some complaints may require enforcement action from the Council, see section 10.4 of this Policy. A complaint against a short-term let licensed property may result in the Council undertaking an inspection visit to assess compliance. The Council reserves the right to charge the host or operator for any costs relating to an inspection visit.

The Council may need to direct some complaints to planning authorities, letting agencies, platforms, VisitScotland, Police Scotland or other bodies for further investigation.

Complaints regarding the Council's operation of its Short-Term Lets Licensing Policy or Procedures will be investigated in accordance with the Council's formal Complaints Procedure.

### 10.2 Grounds for Complaints

A complaint may be related to the following areas:

- whether the host or operator is a fit and proper person;
- the condition of accommodation;
- concerns regarding planning permission;
- undue public nuisance, public order or public safety;
- privacy and security of neighbours; or
- any other good reason.

Frivolous or vexatious complaints will not be considered.

### **10.3 Identifying unlicensed short-term lets**

Complaints about suspected unlicensed operators should be directed to Police Scotland.

The Council, letting agencies and platforms all have a role to play in identifying and eliminating unlicensed short-term lets. The Council will use a number of methods to check and monitor whether there are hosts or operators in the East Lothian area, that are trading without a valid short-term lets licence.

### **10.4 Enforcement Action**

The options for enforcement action for the Council provided through the 2022 Order and 1982 Act are:

- additional licence conditions on application (or through variation)
- enforcement notices
- variation, suspension or revocation of the licence
- pursuance of prosecution in respect of offences under the 1982 Act

### **10.5 Enforcement Notices**

The Council has the power to serve Enforcement Notices. Where complaints, visits to premises, or other information confirm that any licence condition has been breached, the Council will require the licence holder to take action to resolve the situation within a reasonable period

If informal measures do not result in resolution, the Council will serve an Enforcement Notice ("non-compliance" or "improvement" notice). The notices will set out the matters constituting a breach or a likely breach, the action required to rectify or prevent the breach and the date by which the action must be taken.

Enforcement Notices will also be served if a future breach of a licence condition is anticipated, for example, a host or operator is advertising property with a maximum capacity of ten guests, in breach of a licence condition specifying no more than eight. This would be evidenced in a listing or advertisement.

### **10.6 Variation, suspension and revocation**

The Council may vary, suspend or revoke a licence in certain circumstances. The Council may do this without serving an Enforcement Notice if the seriousness of the breach justifies urgent action.

### **10.7 Variation**

The Council may vary the terms of a licence on any grounds it thinks fit. The Council can do this at any time, including following an application made to it by the licence holder or of its own initiative.

## **10.8 Suspension or revocation**

The Council may order the suspension or revocation of a licence, if in its opinion:

- the licence holder is no longer a fit and proper person to hold the licence;
- the licence holder is managing the property on behalf of someone who would have been refused the grant or renewal of the licence;
- the short-term let is causing or is likely to cause undue public nuisance, or, a threat to public order or public safety; or
- a condition of the licence has been contravened.

Where the Council revokes a licence, no further application can be made by that host or operator, in respect of that premises, within one year of the date of revocation.

## **10.9 Appeals**

Applicants can appeal against a refusal of their Short-Term Let licence application.

Hosts and operators can appeal against the decision to vary, suspend or revoke a licence. The appeal should be made within 28 days of being notified of the refusal and should be made to the Sheriff.

Hosts and operators can take bookings and provide accommodation whilst they appeal a revocation or suspension and they have 28 days in which to lodge an appeal.

## **Section 11: Policy Monitoring and Review**

### **11.1 Monitoring timescale**

The Team Leader – Licensing and Landlord Registration, will monitor the number of applications to the Short-Term Lets licensing scheme on a quarterly and annual basis.

### **11.2 Review timescale**

The Short-Term Lets Policy will be reviewed after the first 12 months of the licensing scheme's implementation. The Council will review the Policy every 3 years thereafter.



## Section 12: Appendices

### **12.1 Policy Appendices**

**Appendix 1** – What is a short-term let

**Appendix 2** - Mandatory Licence Conditions

**Appendix 3** – Additional Licence Conditions

**Appendix 4** – Sample Short-term Lets licence

**Appendix 5** – Public Notice of application for Short-term lets licence

**Appendix 6** – Certificate of compliance

**Appendix 7** – Application for short-term let licence

**Appendix 8** – Application checklist

**This document can be provided in large print, Braille or in an electronic format and can be translated into other community languages. Please contact the Council’s Communications Team at East Lothian Council, John Muir House, HADDINGTON, EH41 3HA, 01620 827827.**

### **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).

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

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

## PART 1: ABOUT YOU

# 3A

Are you applying as an individual or corporate entity?

Individual

Corporate Entity

Fill in if you are applying as an individual:

Your full name NICOLA CADZOW

Date of birth

Place of birth

Home Address

[Redacted]

Postcode

[Redacted]

Tel. No.

[Redacted]

Email address

[Redacted]

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 CAROLINE CURRIE - NORTH BERWICK HOLIDAY HOMES

Date of birth [REDACTED]

Tel. No. [REDACTED] Email address booknow@nbholidayhomes.co.uk

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.
JAMES CADZOW				
NICOLA CADZOW				

**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  WE OWN THE PROPERTY

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

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### PART 3: PREMISES DETAILS

Premises Address SEAVIEW, GOOSE GREEN ROAD

GULLANE Postcode EH31 2BA

Unique Property Reference Number (if known) \_\_\_\_\_

EPC Rating\* F *But new highly efficient boiler installed since this rating was given*

*\*(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 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 4 Bed/Sitting rooms \_\_\_\_\_

Bathrooms 2 Kitchens 1

Lounges 2

Other (please specify) UTILITY ROOM

Specify the maximum number of guests 8  
(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**

<b>I have enclosed the following</b> (please tick to confirm (or enter N/A))		
Correct application fee	£390	See East Lothian Council website – Civic Licence Fees ✓
Annual gas certificate (for premises with a gas supply)		Valid to: 30/12/2025
Electrical Installation Condition Report		Valid to: 10/05/2028
Portable Appliance Testing Report		Valid to: 10/05/2025
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: certificate date: 7/10/2022
Public Liability Insurance		Valid to: 13/06/2024
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

<b>I have:</b> (please tick to confirm (or enter N/A))	
Identified the owners and those involved in the day-to-day management of my premises	✓
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	✓

<b>My premises</b> (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.

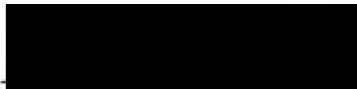
Anyone who gives false information on this form, or fails to provide the information required by this form, is committing an offence which could lead to prosecution.

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

NICOLA CADZOW

Date

15/05/2023

## **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

---

**From:** Millar, Neil  
**Sent:** 23 May 2023 11:31  
**To:** Short Term Lets  
**Subject:** RE: EL00071N - Short Term Let Licence Application - Seaview, Goose Green Road, Gullane EH31 2BA

Hi Alison,

Thank you for your email and attachment regarding the above subject.

Based on the information provided I can confirm that planning permission is not required for the change of use of the house, the subject of this enquiry, to form short term holiday let accommodation.

Regards

Neil

**From:** Short Term Lets <stl@eastlothian.gov.uk>  
**Sent:** 16 May 2023 11:19  
**To:** Building Standards <buildingstandards@eastlothian.gov.uk>; Raselli, Gail <graselli@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Parking <parking@eastlothian.gov.uk>; Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>  
**Subject:** EL00071N - Short Term Let Licence Application - Seaview, Goose Green Road, Gullane EH31 2BA

Hi

Please provide observations/comments regarding the application for a Short Term Let Licence for the above address. All responses should be returned within the 21 day consultation period.

Regards

Alison

Alison Rafferty | Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. [arafferty1@eastlothian.gov.uk](mailto:arafferty1@eastlothian.gov.uk) or [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

NHS Coronavirus Information

Keep using  
Covid sense

## Short Term Lets

---

**From:** Raselli, Gail  
**Sent:** 16 May 2023 13:19  
**To:** Short Term Lets  
**Subject:** FW: EL00071N - Short Term Let Licence Application - Seaview, Goose Green Road, Gullane EH31 2BA  
**Attachments:** Application form.pdf

Hi Alison,

Nothing on the ASB register.

Gail

**From:** Short Term Lets <stl@eastlothian.gov.uk>  
**Sent:** 16 May 2023 11:19  
**To:** Building Standards <buildingstandards@eastlothian.gov.uk>; Raselli, Gail <graselli@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Parking <parking@eastlothian.gov.uk>; Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>  
**Subject:** EL00071N - Short Term Let Licence Application - Seaview, Goose Green Road, Gullane EH31 2BA

Hi

Please provide observations/comments regarding the application for a Short Term Let Licence for the above address. All responses should be returned within the 21 day consultation period.

Regards

Alison

**Alison Rafferty | Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. [arafferty1@eastlothian.gov.uk](mailto:arafferty1@eastlothian.gov.uk) or [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)**

NHS Coronavirus Information

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[gov.scot/coronavirus](https://gov.scot/coronavirus)



## Licensing

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**From:** Iain Anderson <Iain.Anderson3@scotland.police.uk>  
**Sent:** 16 May 2023 14:14  
**To:** Licensing  
**Subject:** EL00071N - STL - SEAVIEW, GULLANE - NICOLA CADZOW - [REDACTED]  
**Attachments:** APPLICATION FORM.PDF

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.

Hi all,  
No Police objection  
Our ref - 723900

Regards  
Iain



## Short Term Lets

---

**From:** Cramer, Torquil <Torquil.Cramer@firescotland.gov.uk>  
**Sent:** 16 May 2023 14:31  
**To:** Short Term Lets  
**Subject:** RE: EL00071N - Short Term Let Licence Application - Seaview, Goose Green Road, Gullane EH31 2BA

**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.

Classification: **Unclassified**

Hi,

Thank you for the STL application for - Seaview, Goose Green Road, Gullane EH31 2BA

The SFRS has no objections to the STL licence being granted at this time.

Regards

Torquil

Torquil Cramer GFireE | Watch Commander | Fire Safety Enforcement Officer  
Prevention & Protection | MELB | Haddington Community Fire Station  
47- 49 Court Street | Haddington | EH41 3AE  
Tel: 01620 826360 | Mobile: 07989 220751  
Email: [torquil.cramer@firescotland.gov.uk](mailto:torquil.cramer@firescotland.gov.uk)



Safety. Teamwork. Respect. Innovation.

**From:** Short Term Lets <stl@eastlothian.gov.uk>  
**Sent:** 16 May 2023 11:23  
**To:** Cramer, Torquil <torquil.cramer@firescotland.gov.uk>  
**Subject:** EL00071N - Short Term Let Licence Application - Seaview, Goose Green Road, Gullane EH31 2BA

**CAUTION:** This email originated from outside of SFRS. Do not click links or open attachments unless you are certain the email is genuine and know the content is safe.

Hi

Please provide observations/comments regarding the application for a Short Term Let Licence for the above address. All responses should be returned within the 21 day consultation period.

Regards

Alison

## Short Term Lets

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**From:** Parking  
**Sent:** 22 May 2023 10:40  
**To:** Short Term Lets  
**Subject:** RE: EL00071N - Short Term Let Licence Application - Seaview, Goose Green Road, Gullane EH31 2BA

Hi,  
I have no objection to this application.

Kind Regards

**Grant Talac**  
**The Parking Team**  
**East Lothian Council**



**From:** Short Term Lets <stl@eastlothian.gov.uk>  
**Sent:** 16 May 2023 11:19  
**To:** Building Standards <buildingstandards@eastlothian.gov.uk>; Raselli, Gail <graselli@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Parking <parking@eastlothian.gov.uk>; Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>  
**Subject:** EL00071N - Short Term Let Licence Application - Seaview, Goose Green Road, Gullane EH31 2BA

Hi

Please provide observations/comments regarding the application for a Short Term Let Licence for the above address. All responses should be returned within the 21 day consultation period.

Regards

Alison

Alison Rafferty | Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. [arafferty1@eastlothian.gov.uk](mailto:arafferty1@eastlothian.gov.uk) or [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

NHS Coronavirus Information

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NHS

## Fitzpatrick, Sheila

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**From:** Short Term Lets  
**Sent:** 10 August 2023 08:55  
**To:** [REDACTED]  
**Subject:** FW: Web query holiday letting

Good morning and thank you for your email.

Under the Civic Government (Scotland) Act 1982, the local authority can call for the Site Notice to be displayed for a further 21 days. This has now been requested and anyone can submit an objection or representation in response to this. If objections/representations are received, the licence will be reviewed by the Licensing Sub-committee. The licence is not suspended whilst the Site Notice is displayed and any decision to suspend/revoke a licence will be determined by the Licensing Sub-committee.

I hope this is of assistance.

Regards,

Sheila Fitzpatrick  
Team Leader – Licensing and Landlord Registration  
East Lothian Council  
Democratic & Licensing Services  
John Muir House  
HADDINGTON, EH41 3HA

01620 820623

[stl@eastlothian.gov.uk](mailto:stl@eastlothian.gov.uk)

**From:** Lesley Clare [REDACTED]  
**Sent:** 07 August 2023 17:18  
**To:** Licensing <[licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)>  
**Subject:** Re: Web query holiday letting

**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.

Fascinating.

The site notices of the short term letting license application have appeared on the Seaview gate today. I don't know who asked questions of whom but if council diligence thank you. Can we take it please that the license is suspended and there is now a genuine opportunity for neighbours and anyone else concerned to comment?

Lesley Clare

On 1 Aug 2023, at 09:07, Licensing <[licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)> wrote:

Good morning Clare

Please see the link below this will take you to the guidance forms etc. for the Short Term Lets.

[Short-term lets](#) | [Short-term Lets licensing](#) | [East Lothian Council](#)

Regards  
Christine

---

**From:** Lesley Clare [REDACTED]  
**Sent:** 01 August 2023 09:01  
**To:** Licensing <licensing@eastlothian.gov.uk>  
**Subject:** Re: Web query holiday letting

**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.

Thank you again. We look forward to hearing further on the legal advice.  
Meantime, where please do we find the guidance to license applicants on exactly what site notice they need to display, where, and for how long?  
Lesley

On 31 Jul 2023, at 15:51, Licensing <licensing@eastlothian.gov.uk> wrote:

Hi Lesley

I have sent your enquiry to our legal adviser but he hasn't responded yet. We haven't has a situation like this before where someone is challenging if the applicant has displayed the site notice. Once I have any other information I will let you know.

Regards  
Christine

---

**From:** Lesley Clare [REDACTED]  
**Sent:** 31 July 2023 15:45  
**To:** Licensing <licensing@eastlothian.gov.uk>  
**Subject:** Re: Web query holiday letting

**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.

Noted thanks. That's a long time if things go wrong. What about the first query please? What is the route for remedy if, as we increasingly believe, there was no genuine display of any site notice of the license application.  
Lesley

On 31 Jul 2023, at 14:23, Licensing  
<licensing@eastlothian.gov.uk> wrote:

Hi Lesly

The licence last for 3 years.

Regards

Christine

---

**From:** Lesley Clare [REDACTED]  
**Sent:** 31 July 2023 14:23  
**To:** Licensing <licensing@eastlothian.gov.uk>  
**Subject:** Re: Web query holiday letting

**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.

Another question please. How long does the license last? If the neighbours were denied the chance to register any concerns this time when would we next get an opportunity in the light of experience?

Lesley

On 31 Jul 2023, at 12:37, Lesley Clare  
[REDACTED] wrote:

I'll ask around more when the rain stops but what do we do if we believe the owners have misled you ? It's a close community and I do struggle to believe that no one would have noticed and spoken with others.

Lesley

On 31 Jul 2023, at 12:31,  
Licensing  
<licensing@eastlothian.gov.uk>  
wrote:

Hi Lesley  
No, they don't show where they have put the site Notice but they have returned both documents to us stating that it has been displayed.

Regards  
Christine

**From:** Lesley Clare

**Sent:** 31 July 2023 12:19

**To:** Licensing  
<licensing@eastlothian.gov.uk>

**Subject:** Re: Web query holiday letting

**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.

Thank you.

I'm checking with neighbours but so far no one is aware of any site notice being displayed. Or certainly nowhere there was any likelihood of it being seen.

Do they have to provide you with any evidence of where and when the claimed notice was put? Or do you just take their word for it?

Lesley Clare

On 31 Jul 2023, at 10:16, Licensing <licensing@eastlothian.gov.uk> wrote:

Good morning

Thank you for your email. I can confirm that the hosts of this short term let have been granted a licence. Procedures for this licence application require the applicant to display a site notice at the property. We received confirmation that this had been done

and subsequently the licence was granted, having received no objections or representations to the application. I can clarify that the local authority is not required to notify neighbours about this type of application.

I hope this is of assistance, if you require further information please do not hesitate to contact us.

Regards  
Christine

---

**From:** Lesley Clare

[REDACTED]  
**Sent:** 28 July 2023  
18:11

**To:** Customer  
Services

**Subject:** Web query  
holiday letting

[You don't often get  
email from

[REDACTED]  
[REDACTED] Learn why this  
is important at  
[https://aka.ms/Learn  
AboutSenderIdentific  
ation](https://aka.ms/LearnAboutSenderIdentification) ]

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

PLEASE TELL US:

Hi  
From Lesley Clare



My immediate neighbours at Seaview, Goose Green have just started advertising their newly acquired property as a commercial 4 bedroom 8 person holiday let with North Berwick Holiday Homes. Contrary to assurances when they bought last autumn that it was to be a family home. My understanding is that they need a licence from you to do this. We have had no neighbour notification. What is the position please and what scope is there for objection? I, and other neighbours, are concerned in particular about the parking pressures and potential noise as well as the apparent loss of yet another permanent or long term rental home around the Green. The area is becoming sadly dominated by short term holiday occupancy.

Thanks.

Lesley Clare

1. Details of your enquiry or request:
2. Your name:
3. Your address:
4. Your postcode:



5. Where the incident happened - if different to your address:

ALSO:

6. Please attach any photos or documents to help us with this enquiry.

7. Don't send us personal or sensitive information. We will contact you if we need more details.

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Email Disclaimer  
- East Lothian  
Council

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender and ensure it is deleted and not read

## Licensing

---

**From:** Lesley Clare [REDACTED]  
**Sent:** 16 August 2023 12:26  
**To:** Licensing  
**Subject:** Seaview Gullane

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.

This property has a site notice advertising a license application for secondary letting. The notice is dated 6 August by Mrs Nicola Cadzow.

I live at [REDACTED] to Seaview. The properties are separated only by the narrow private back access lane to the houses on Marine Terrace.

I am writing to register my concerns about the license application.

Seaview is already advertised, and indeed is already being let, for holiday letting with North Berwick Holiday Homes. It is advertised as suitable for up to 8 people. It is advertised as available for short term breaks, presumably including just weekends. The website states there is unrestricted street parking. There is no mention of any restriction on groups such as hen or stag parties.

This a quiet residential corner of Gullane. My main concerns about the holiday let plans are:

Pressure on already limited parking. Few of the properties in the area have private parking or a garage. Residents, visitors and tradespeople rely for parking on the communal open grass area by the well, immediately in front of Seaview. With potential for up to 4 or more additional cars coming and going if Seaview was let eg to groups of golfers there is going to be considerable extra pressure on an already crowded space, to the detriment of permanent residents. And pressure to park intrusively on the Green itself. Carelessly parked cars and vans already not infrequently protrude into the private road, making already narrow access difficult for properties such as mine and those on Marine Terrace. This is of course also the access for such as recycling lorries and any emergency vehicles.

Potential for intrusive noise. Parties of 8 on short term holiday bookings with access to the Seaview patio and garden area risk being less than considerate neighbours. The family in the semi detached house immediately adjoining Seaview must be at risk also of increased indoor noise.

This application represents the loss of yet another property around Goose Green for permanent occupation or long term let. The number of holiday homes in the area is depleting the housing stock and changing the shared character of the village. When the new owners purchased last year neighbours were assured it was to remain a permanent family home. It is very sad that they have apparently abandoned this intention.

Please acknowledge receipt.

Lesley Clare  
[REDACTED]

## Rafferty, Alison (Licensing)

---

**From:** Nicky Cadzow [REDACTED]  
**Sent:** 03 September 2023 10:30  
**To:** Short Term Lets  
**Subject:** Seaview Gullane  
**Attachments:** Site Notice 2 Seaview.pdf

**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.

Hi,

As requested, we have redisplayed the site notice for Seaview, on the front railings next to the front gate. It was displayed from 6-27 August. I have attached the notice and certificate of compliance, as well as photo of the notice in situ.

I hope all is ok but please let me know if you have any further questions.

Many thanks,

Nicky Cadzow



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 Alexander Mihulka

Date of birth

Place of birth

Home Address

Postcode

Tel. No.

Email address

East Lothian Council  
Licensing  
21 JUL 2023  
Received

**3B**

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)
See page 1			

**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

Short-term let (STL) Application Form



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

Yes  No  N/A

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

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### PART 3: PREMISES DETAILS

Premises Address Bay Cottage, Sea Wynd, Aberlady

Postcode EH32 0SD

Unique Property Reference Number (if known) \_\_\_\_\_

EPC Rating\* 70

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

Please select the type of premises:

Detached House  Semi-detached house   
Terraced House  Flat   
Unconventional accommodation

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

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

Specify the number of rooms within the premises used as:

Bedrooms 2 Bed/Sitting rooms 1

Bathrooms 1 Kitchens 1

Lounges \_\_\_\_\_

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

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:

NAME	DATE	COURT	OFFENCE	SENTENCE
n/a				

## 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: 07.02.2024
Electrical Installation Condition Report ✓	Valid to: 18.02.2028
Portable Appliance Testing Report ✓	Valid to: 18.02.2028
Fire Risk Assessment ✓	<u>Date of assessment:</u> 14.03.2023
Fire Service Safety Checklist ✓	14.03.2023
Legionella Risk Assessment ✓	Valid to: 01/25
Planning permission (for premises within a control area or where requested by the licensing authority)	Planning application reference number: u/a
Floor plan ✓	05/2023
EPC Certificate (for premises which are dwellinghouses) ✓	Valid to: 22.09.2032
Public Liability Insurance	Valid to: unlimited / to renew yearly
Proof of consent from owner (if applicable)	u/a
Evidence of operation as a short-term let on or before 1 October 2022 (for existing hosts applying during transitional period)	Coast Properties

<b>I have:</b> (please tick to confirm (or enter N/A))	
Identified the owners and those involved in the day-to-day management of my premises	✓
Ensured that to the best of my knowledge all those named on my application are fit and proper persons	✓
<p>Prepared information that will be available to guests at the premises including:</p> <p>(a) a certified copy of the licence and the licence conditions,</p> <p>(b) fire, gas and electrical safety information,</p> <p>(c) details of how to summon the assistance of emergency services,</p> <p>(d) a copy of the gas safety report,</p> <p>(e) a copy of the Electrical Installation Condition Report, and</p> <p>(f) a copy of the Portable Appliance Testing Report.</p>	✓
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	✓

<b>My premises</b> (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)	✓

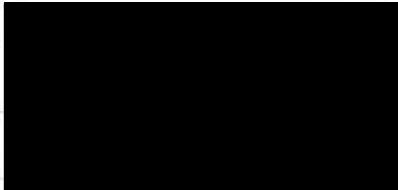
## PART 6: DECLARATION

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 is correct to the best of my knowledge

Signed \_\_\_\_\_

Print name Alexander Mihulka

Date 20/07/2023

## **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

---

**From:** Allan, James  
**Sent:** 10 August 2023 13:53  
**To:** Short Term Lets  
**Subject:** RE: Short Term Let application - Alexander Mihulka, Bay Cottage, Sea Wynd, Aberlady, EH32 0SD

Good afternoon

Thank you for your email and attachments regarding the above subject.

Based on the information provided I can confirm that planning permission is not required for the change of use of the house, the subject of this enquiry, to form short term holiday let accommodation.

Kind regards

James Allan

---

**From:** Short Term Lets <stl@eastlothian.gov.uk>  
**Sent:** 25 July 2023 15:55  
**To:** Building Standards <buildingstandards@eastlothian.gov.uk>; Raselli, Gail <graselli@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Parking <parking@eastlothian.gov.uk>; Lothian & borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>  
**Subject:** Short Term Let application - Alexander Mihulka, Bay Cottage, Sea Wynd, Aberlady, EH32 0SD

Good afternoon

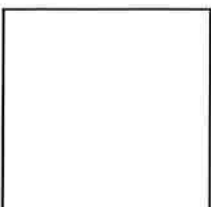
Please provide observations/comments regarding the application for a Short Term Let Licence for the above address. All responses should be returned within the 21 day consultation period.

Thanks  
Christine

Christine Aitken | Licensing Officer | Licensing Dept. | East Lothian Council | John Muir House | Haddington | East Lothian | EH41 3HA |

Tel. 01620827664  
Email. caitken@eastlothian.gov.uk

NHS Coronavirus Information





## Short Term Lets

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**From:** Cramer, Torquil <Torquil.Cramer@firescotland.gov.uk>  
**Sent:** 10 August 2023 09:59  
**To:** Short Term Lets  
**Subject:** RE: Short Term Let application - Alexander Mihulka, Bay Cottage, Sea Wynd, Aberlady, EH32 OSD

**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.

Classification: **Unclassified**

Hi,

Thank you for the STL application for - Bay Cottage, Sea Wynd, Aberlady, EH32 OSD

The SFRS has no objections to the STL licence being granted at this time.

Regards

Torquil

Torquil Cramer GFireE | Watch Commander | Fire Safety Enforcement Officer  
Prevention & Protection | MELB | Haddington Community Fire Station  
47- 49 Court Street | Haddington | EH41 3AE  
Mobile: 07989 220751  
Email: [torquil.cramer@firescotland.gov.uk](mailto:torquil.cramer@firescotland.gov.uk)



**SCOTTISH**  
**FIRE AND RESCUE SERVICE**  
Working together for a safer Scotland

*Safety. Teamwork. Respect. Innovation.*

**From:** Short Term Lets <stl@eastlothian.gov.uk>  
**Sent:** 25 July 2023 15:57  
**To:** Cramer, Torquil <torquil.cramer@firescotland.gov.uk>  
**Subject:** Short Term Let application - Alexander Mihulka, Bay Cottage, Sea Wynd, Aberlady, EH32 OSD

**CAUTION:** This email originated from outside of SFRS. Do not click links or open attachments unless you are certain the email is genuine and know the content is safe.

Good afternoon

Please provide observations/comments regarding the application for a Short Term Let Licence for the above address. All responses should be returned within the 21 day consultation period.

Regards

## Short Term Lets

---

**From:** Raselli, Gail  
**Sent:** 26 July 2023 09:51  
**To:** Short Term Lets  
**Subject:** FW: Short Term Let application - Alexander Mihulka, Bay Cottage, Sea Wynd, Aberlady, EH32 0SD  
**Attachments:** Application.pdf

Morning Christine,

Nothing on the ASB register for this address.

Regards,  
Gail

---

**From:** Short Term Lets <stl@eastlothian.gov.uk>  
**Sent:** 25 July 2023 15:55  
**To:** Building Standards <buildingstandards@eastlothian.gov.uk>; Raselli, Gail <graselli@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Parking <parking@eastlothian.gov.uk>; Lothian & borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>  
**Subject:** Short Term Let application - Alexander Mihulka, Bay Cottage, Sea Wynd, Aberlady, EH32 0SD

Good afternoon

Please provide observations/comments regarding the application for a Short Term Let Licence for the above address. All responses should be returned within the 21 day consultation period.

Thanks  
Christine

Christine Aitken | Licensing Officer | Licensing Dept. | East Lothian Council | John Muir House | Haddington | East Lothian | EH41 3HA |

Tel. 01620827664  
Email. caitken@eastlothian.gov.uk

NHS Coronavirus Information

**Keep using  
Covid sense**



gov.scot/coronavirus



## Short Term Lets

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**From:** Parking  
**Sent:** 27 July 2023 07:44  
**To:** Short Term Lets  
**Subject:** RE: Short Term Let application - Alexander Mihulka, Bay Cottage, Sea Wynd, Aberlady, EH32 OSD

Hi,  
I have no objection to this application.

Kind Regards

**Grant Talac**  
**The Parking Team**  
**East Lothian Council**



---

**From:** Short Term Lets <stl@eastlothian.gov.uk>  
**Sent:** 25 July 2023 15:55  
**To:** Building Standards <buildingstandards@eastlothian.gov.uk>; Raselli, Gail <graselli@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Parking <parking@eastlothian.gov.uk>; Lothian & borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>  
**Subject:** Short Term Let application - Alexander Mihulka, Bay Cottage, Sea Wynd, Aberlady, EH32 OSD

Good afternoon

Please provide observations/comments regarding the application for a Short Term Let Licence for the above address. All responses should be returned within the 21 day consultation period.

Thanks  
Christine

Christine Aitken | Licensing Officer | Licensing Dept. | East Lothian Council | John Muir House | Haddington | East Lothian | EH41 3HA |

Tel. 01620827664  
Email. caitken@eastlothian.gov.uk

NHS Coronavirus Information

**Keep using  
Covid sense**



[gov.scot/coronavirus](https://gov.scot/coronavirus)



## Licensing

---

**From:** Iain Anderson <Iain.Anderson3@scotland.police.uk>  
**Sent:** 27 July 2023 10:13  
**To:** Licensing  
**Subject:** SHORT TERM LET APP - BAY COTTAGE, ABERLADY - ALEXANDER MIHULKA -  
[REDACTED]  
**Attachments:** APPLICATION.PDF

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.

Hi all,  
No Police objection  
Our ref - 743717

Regards  
Iain

Licensing  
John Muir House  
Haddington  
EH41 3HA

East Lothian Council  
Licensing  
12 SEP 2023  
Received

Dear Sirs,

I am writing to state my objection to the application for short-term let's licence in relation to Bay Cottage, Sea Wynd, Aberlady, EH32 0SD.

As a young resident in Aberlady, I object to the application for the following reasons:

- Risk of damage to the property
- Strain on relationships with neighbouring properties
- Loss of business for hospitality sector, particularly the nearby Aberlady Inn and Ducks Hotel
- Potential for Anti-social behaviour
- Over-crowding of property
- Potential for a transient community
- Reduced housing supply leading to less choice and higher rents for private tenants, particularly when housing supply in Aberlady is already extremely low
- Owner likely has no interest in adding to the village community or developing the village since they live abroad and appear to have bought the property purely as an investment

I trust you will consider each of the above points when reviewing this licencing for this property.

Signed: [REDACTED]

Ewan Thomson - [REDACTED]

Date.....

11/09/23



**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

3C

---

## **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)

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



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

[Redacted]

Place of birth

Home Address

Tel. No.

[Redacted]

Postcode

[Redacted]

Email address

[Redacted]

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).

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### 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:

<b>NAME</b>	<b>DATE</b>	<b>COURT</b>	<b>OFFENCE</b>	<b>SENTENCE</b>

## 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.

<b>I have:</b> (please tick to confirm (or enter N/A))	
Identified the owners and those involved in the day-to-day management of my premises	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	✓

<b>My premises</b> (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.

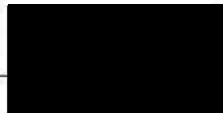
Anyone who gives false information on this form, or fails to provide the information required by this form, is committing an offence which could lead to prosecution.

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.

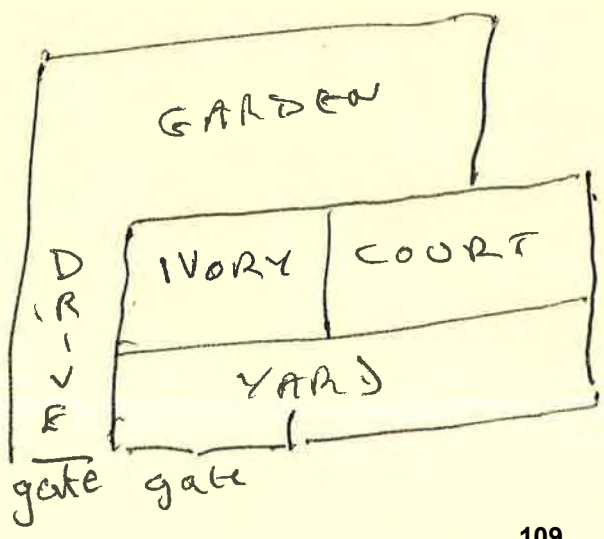
Yours Sincerely.



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

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 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

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**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> ]

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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

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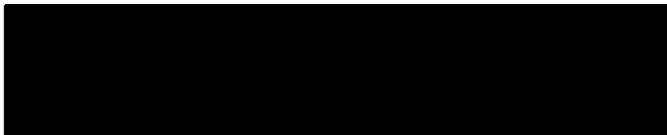
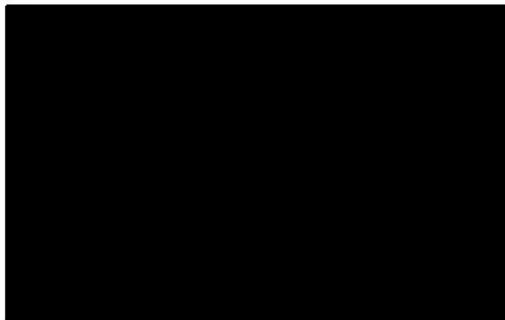
## Reasons for objection

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

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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

14<sup>th</sup> 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 13<sup>th</sup> 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 13<sup>th</sup> 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 26<sup>th</sup> of May until 6<sup>th</sup> 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 2<sup>nd</sup> 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



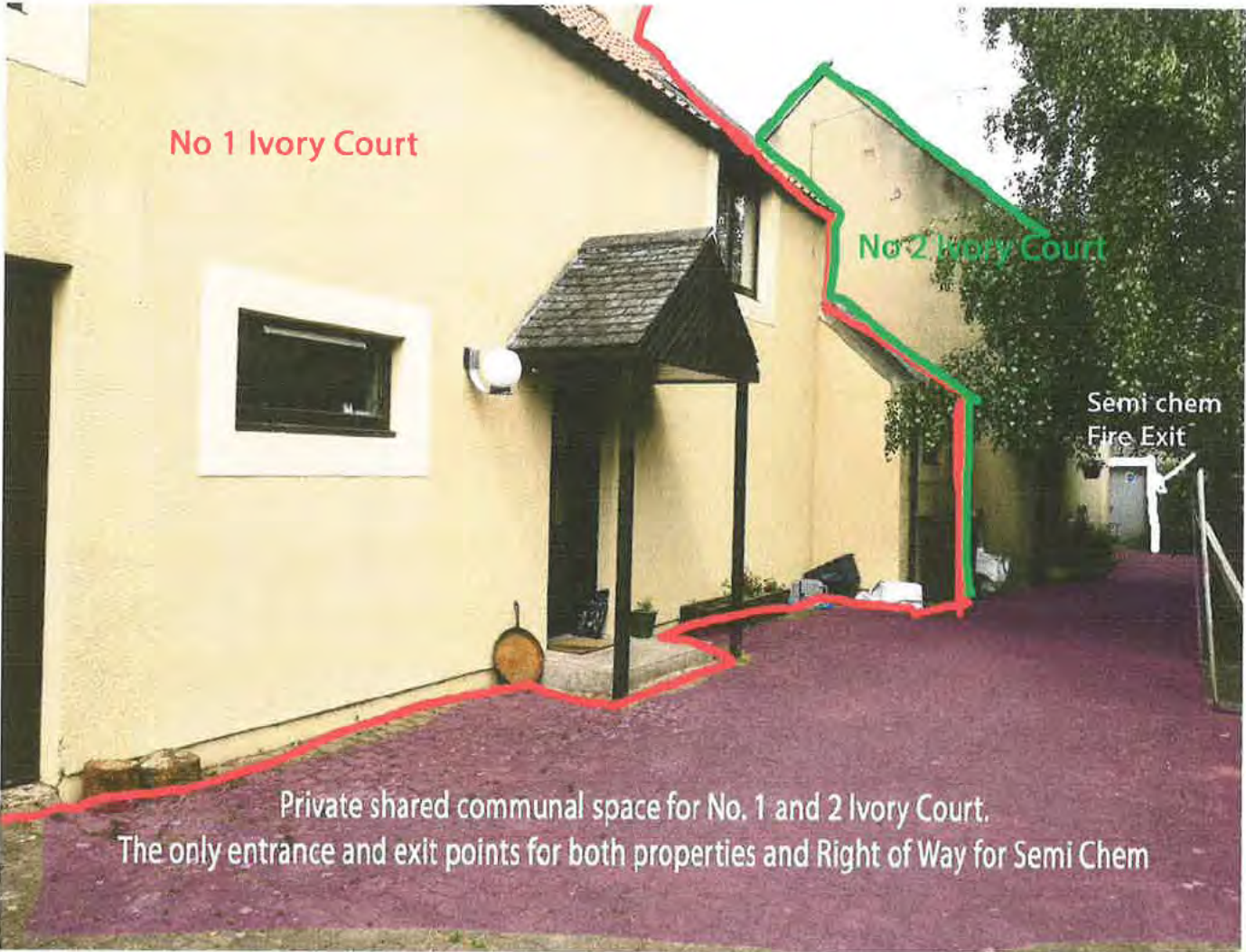
Document No. 2

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.

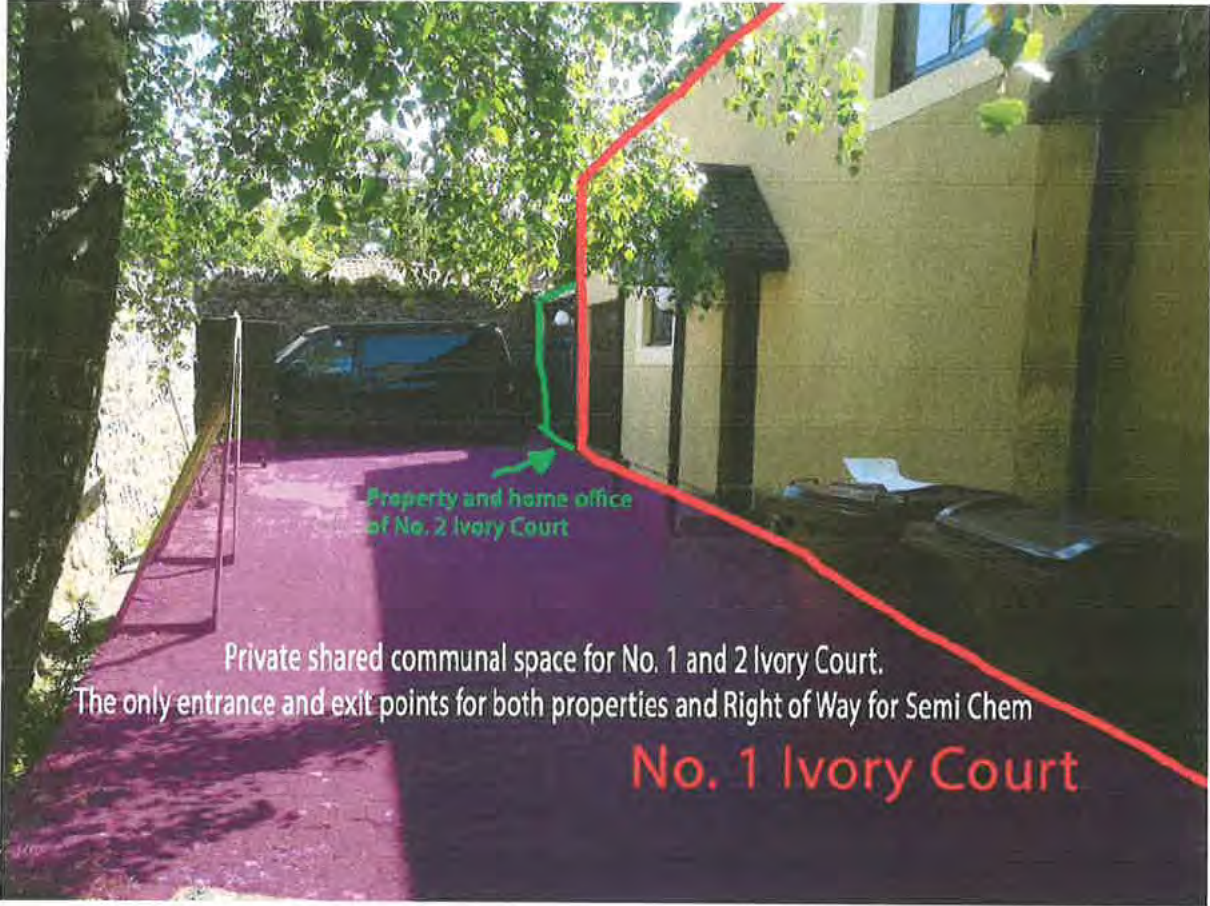


Document No. 5

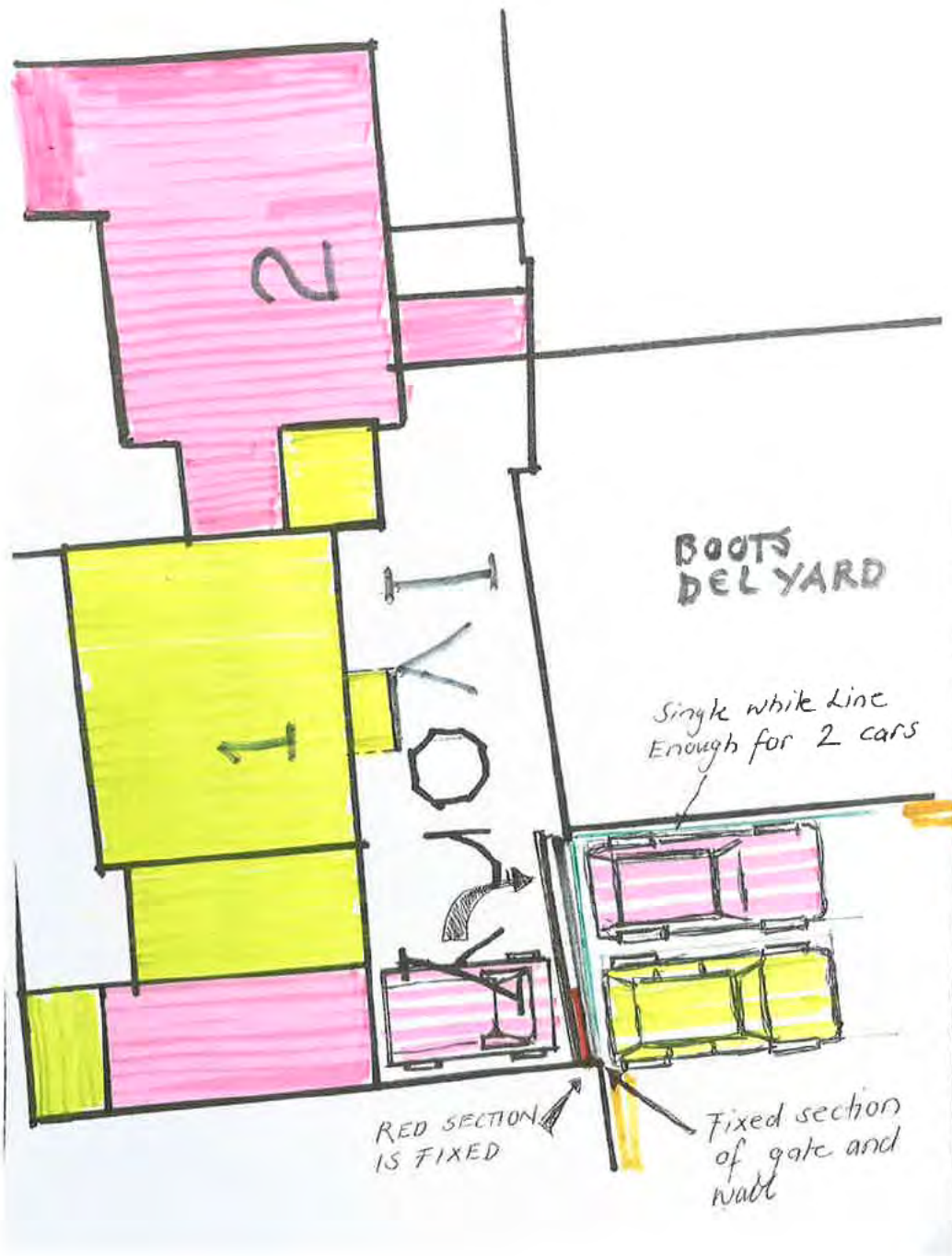
View along the communal shared yard showing the end of the property of No.1 Ivory Court, the doorstep of our property of [REDACTED] and the location of the Emergency Fire Exit and delivery door of SemiChem. Please note the small window visible above the brown bins is the 4<sup>th</sup> bedroom of No.1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

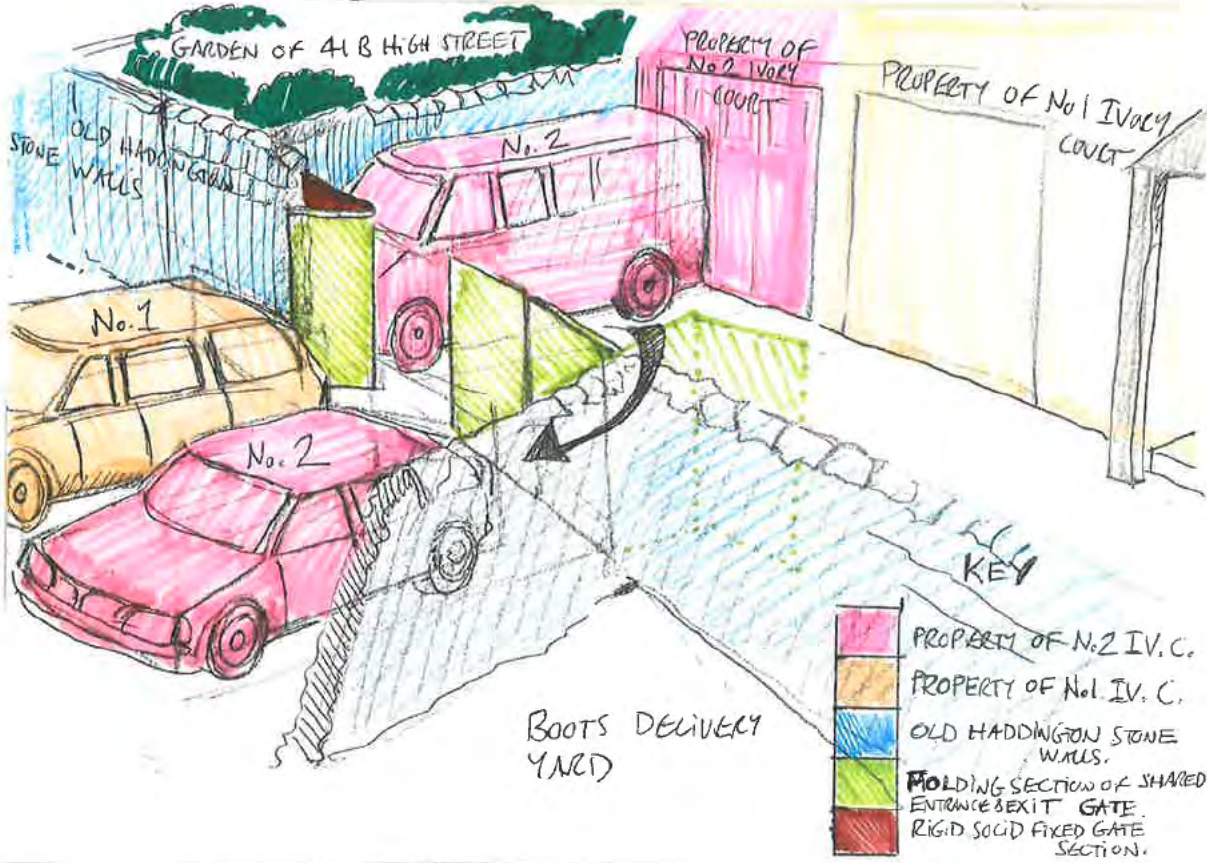




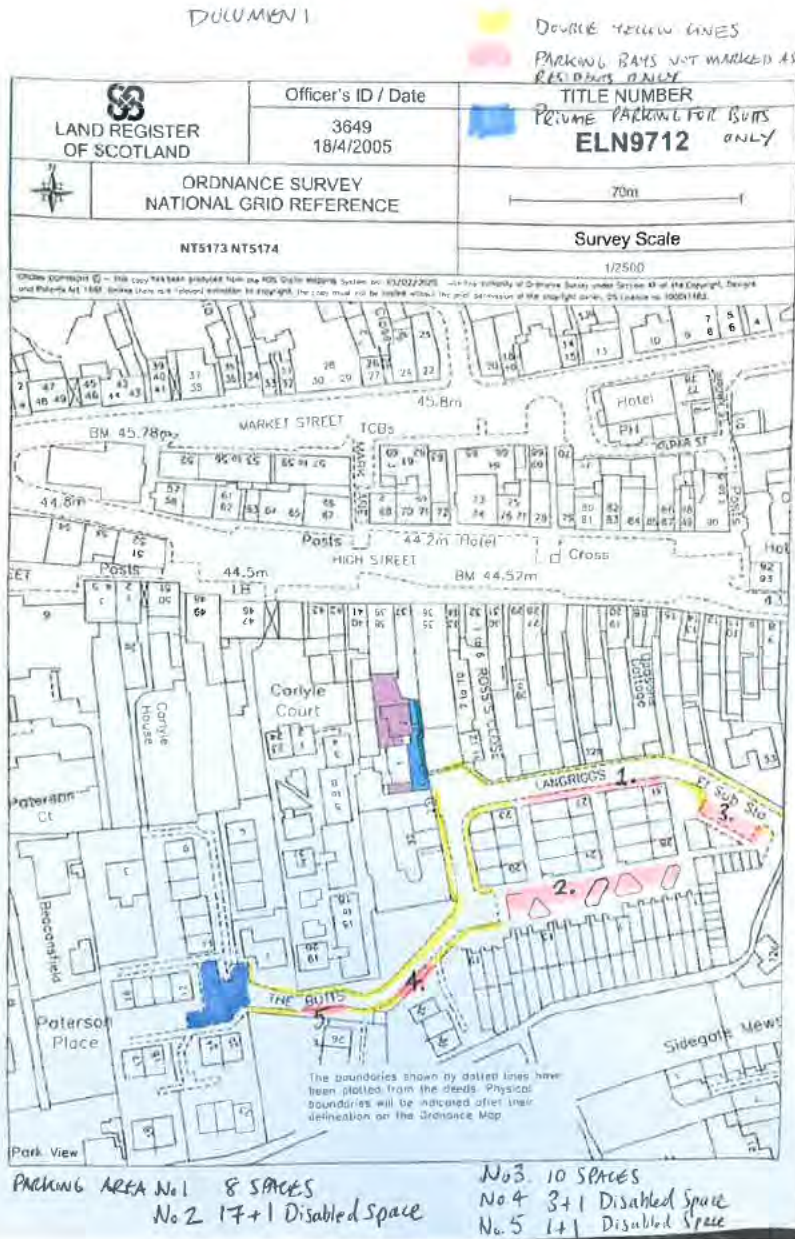


Document No. 8

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



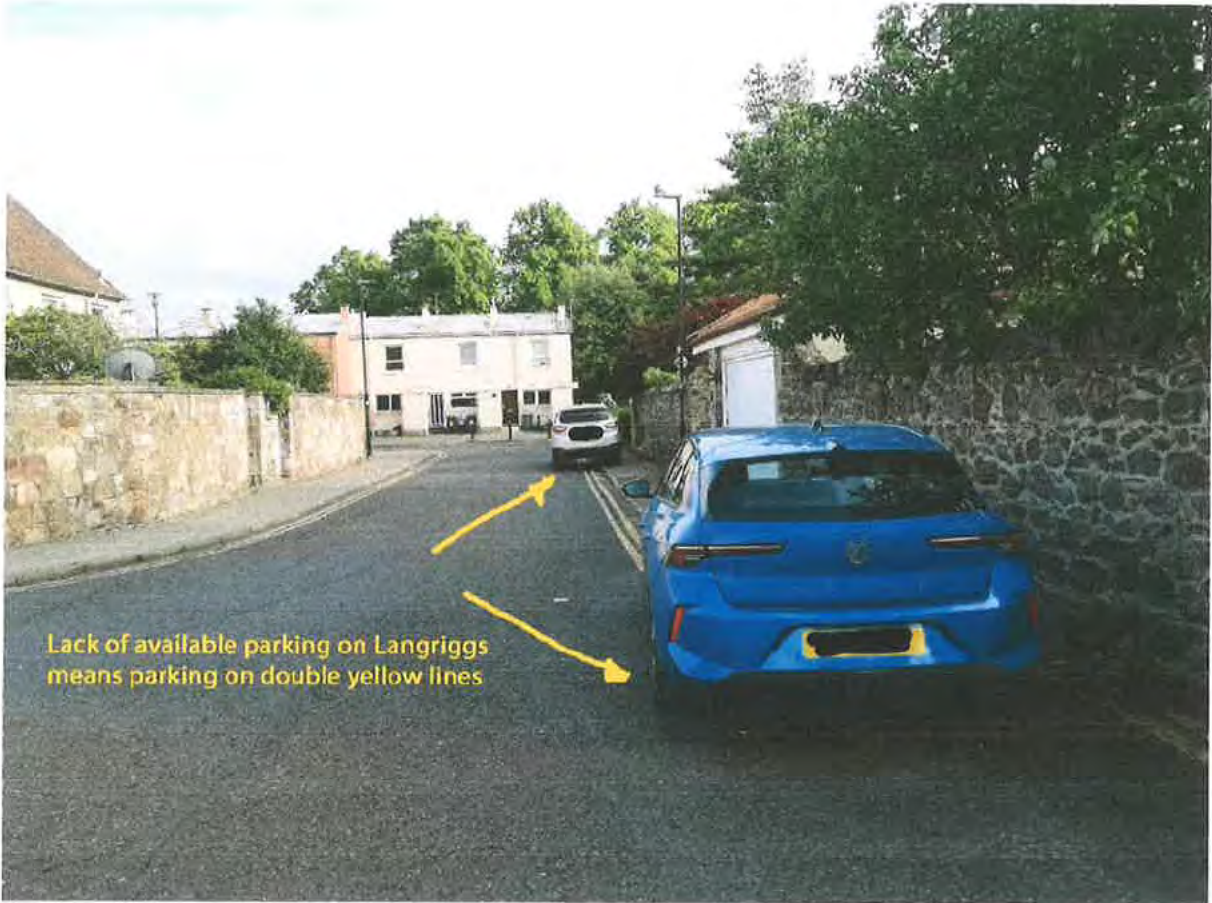
Map showing a brief view of the available parking bays, double yellow line restrictions and location of No.1 and No.2 Ivory Court, Langriggs.



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





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	[REDACTED]	[REDACTED]	10/6		✓	✓	✓	✓
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 M. Christie	[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 I	[REDACTED]	[REDACTED]						
ELIX WATSON	[REDACTED]	[REDACTED]	10/6	✓	✓	✓	✓	✓
Helen C	[REDACTED]	[REDACTED]	10/6		✓		✓	
Sylvie Tull	[REDACTED]	[REDACTED]			✓		✓	
Diana Lott	[REDACTED]	[REDACTED]	11/6/23		✓		✓	
JEAN BARBER	[REDACTED]	[REDACTED]				✓	✓	✓
MARIS SUGNEY	[REDACTED]	[REDACTED]	11/6/23		✓	✓		
S. Gordon	[REDACTED]	[REDACTED]	12/6/23	✓	✓	✓		✓
A. Hunt	[REDACTED]	[REDACTED]			✓	✓	✓	

**From:** [Short Term Lets](#)  
**To:** [Aitken, Christine \(Licensing\)](#)  
**Subject:** FW: Applicant from 1 Ivory Court  
**Date:** 19 September 2023 11:11:52

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**From:** Liz Doig [REDACTED]  
**Sent:** 15 September 2023 08:04  
**To:** Short Term Lets <stl@eastlothian.gov.uk>  
**Subject:** Applicant from 1 Ivory Court

**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 disappointed with the decision to defer my application for the short term let of 1 Ivory Court. It has been nearly four months since my application was first received by the council. During this time I would have expected those involved to have done their research including a site visit. This has resulted in my loss of income during this time.

I have also taken out the additional insurance on public liability for my property which has a fourteen day cooling off period. I was advised by your office this was necessary prior to the meeting and that should it not go in my favour I could cancel within the fourteen day cooling off period. It seems a disjointed system to take out insurance that you might not need.

In order to address some of the concerns raised I feel noise disturbance to the residence of Carlisle Court is not going to be an issue as they are at least 8m away from the rear of my property which is surrounded by an 8ft wall.

The shared space in front of the property is no different from any other semi detached property. Guests would only be using it for access. My neighbours run their business from their garage and regularly have people come to view their paintings and move their paintings in and out of their car in this area so it is no different.

The parking in the area is restricted and marked which guests would be made aware of in my property listing. Guests that wish to park will have access to my parking space. My neighbours somehow manage to monopolise the parking for the property and have two spaces for their vehicles which since moving into the property I have never contested. Guests will most likely choose to access the property by Haddingtons good transport links which will be detailed in my listing.

I value my relationship with my neighbours and those in the local area and will be respectful of the needs for guests to understand this and to be mindful of noise and disturbance.

[REDACTED]  
[REDACTED]  
[REDACTED] Can you let me know when the licensing committee

meeting will be? As I am sure you will understand, it is difficult for me to take time off work and lose further income.

KInd Regards,

Liz



**From:** [REDACTED]  
**To:** [Crichton, Rebecca](#)  
**Cc:** [McGinn, Colin](#)  
**Subject:** Follow up to objection for short term let application of 1 Ivory Court, Langriggs, Haddington  
**Date:** 19 September 2023 11:02:23  
**Importance:** High

Some people who received this message don't often get email from info@pascalereentsch.com. [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 Becky,

I have been just told by Christine Aitken at the Licensing department that we are not able to be part of the on-site visit as it is between the applicant and the Committee.

As this is a joint 50/50 shared access to both properties and we are joint owners of the land we would like to request that we are able to attend the meeting.

We also would like to correct and clarify misleading information that Mrs Doig gave during the Short Term Let online meeting on the 14<sup>th</sup> September.

- 1. Mrs Doig does have 3 children but only 2 have ever lived at her property. So there will be a significant increase in footfall across our shared entry and exit yard and in front of our home office. Her property will accommodate up to 7 people not including under 2's more than double if not triple her current footfall. Mrs Doig has 1 parking spot outside the property.*
- 2. Mrs Doig stated that we are running our business from home. To clarify: our home is not our business premises. We are both professional Artists and we work purely outdoors in the field, away on location. We sell our work through galleries and online. In our home and home office we organise for exhibitions in galleries, prepare for talks, teaching, workshops and store our portfolios, paintings, frames and art materials.*

Could you please acknowledge that this email will be sent to all members of the License committee.

Yours faithfully,  
Pascale and Darren Woodhead,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]