



NOTICE OF THE MEETING OF THE LICENSING SUB-COMMITTEE

**THURSDAY 18 APRIL 2024, 2.00pm
VIA DIGITAL MEETING FACILITY**

Agenda of Business

Apologies

Declarations of Interest

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

1. Minutes for approval – Licensing Sub-Committee, 14 March 2024 (**pages 1-8**)
2. Applications for Grant of a Licence to Operate a Short-Term Let
 - a. East Wing, Tynninghame House, Tynninghame, Dunbar (**pages 9-32**)
 - b. Tusculum, Flat 4, 3 Links Road, North Berwick (**pages 33-74**)
 - c. 10 Cromwell Road, North Berwick (**pages 75-104**)
 - d. 139/4 New Street, Musselburgh (**pages 105-118**)
 - e. 4-5 Newtonlees Cottage, Dunbar (**pages 119-134**)
3. Civic Government Licensing Fee Review – Report by the Executive Director for Council Resources (**pages 135-155**)

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

11 April 2024



East Lothian
Council

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

**THURSDAY 14 MARCH 2024
ONLINE DIGITAL MEETING FACILITY**

1

Committee Members Present:

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

Other Councillors Present:

None

Council Officials Present:

Mr I Forrest, Senior Solicitor
Ms S Fitzpatrick, Team Manager – Licensing and Landlord Registration
Alison Rafferty, Licensing Officer
Christine Aitken, Licensing Officer
Gary Robinson, Service Development and Support Officer

Others Present:

PC Lee Wilson, Police Scotland

Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor J Findlay
Councillor T Trotter

Declarations of Interest:

None

1. MINUTES FOR APPROVAL
a. Licensing Sub-Committee, 18 January 2024

Members approved the minutes as an accurate record of the meeting.

b. Special Meeting of the Licensing Sub-Committee, 5 March 2024

Members approved the minutes as an accurate record of the meeting.

2. APPLICATION FOR GRANT OF A LICENCE TO OPERATE A SHORT-TERM LET
15a Balfour Street, North Berwick

An application had been received from James Miller-Stirling for a licence to operate 15a Balfour Street, North Berwick, as a short-term let (STL). The application would be heard by the Licensing Sub-Committee on the basis that public 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, 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 a Certificate of Lawfulness from planning had been refused in January 2024. He highlighted two submitted letters which were in support of the application. He advised of the impact of a recent court decision in Edinburgh which, in summary, said that in determining an STL licence application, the 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.

Responding to a question from the Convener, Mr Forrest confirmed that although planning permission was not in place for use of the property as an STL, the Sub-Committee could still make a determination on the licence application. He noted that an applicant operating an STL without planning permission would leave themselves open to enforcement action.

Mr Miller-Stirling provided background information on the purchase and use of the property. He noted that it was particularly important to maintain relationships with neighbours in a tenement flat, and said he had contributed towards central bills and the good running of the building. He advised that the lettings agent monitored who stayed at the property, and issues around noise, disturbance to neighbours, and pets were all covered by policies. He reported that it was written into the contractual agreement that the property was not suitable for young children or dogs, and such bookings had been refused. He said that objector comments had been taken on board, and he highlighted the letters of support from those living above and below the property. He said that no one had realised that shared tenement staircases would cause a property to be deemed unsuitable for use as an STL, and asked the Sub-Committee to consider his views.

Responding to questions from Members, Mr Miller-Stirling advised that cleaning staff could come in to deal with waste, and advised that a booklet given to guests contained

the agency phone number. He said that he did not use the recycling service but could do so, and Councillor McFarlane encouraged all STL owners to make use of the recycling service. Mr Miller-Stirling said he visited the area three or four times each year and generally let the property out for three months over the summer season. He reported that he kept in regular contact with the agency and cleaners provided him with regular updates. He said he took seriously all issues with doors, roofs, and the central building, and said he paid council tax in full. He advised that the property had been used as an STL since 2019. He advised that 70% of bookings came through bookings websites, while other bookings came through Lettings of Distinction and Coast Properties; he said these agencies could also be called in to make repairs.

Neil McIlwraith spoke against the application. He advised that he was the only permanent resident in the stair, and the delegated function of the day-to-day management of the property had never been adequately carried out by the agencies. He noted that the 24-hour helpline was provided to guests but not to the residents in the other properties, and he could not remember a time when an agent had visited to remedy a problem. He highlighted issues with noise and cigarette fumes, and the unfair burden put on permanent residents regarding property maintenance. He described waste as being dumped carelessly and anonymously in the back green, and said the lack of recycling effort undermined the efforts of residents. He reported that overstuffed bins attracted local wildlife and maggots. He also reported issue with dog mess in the communal green. He advised that one of the letters of support had come from someone who was not a regular resident.

Responding to questions from Members, Mr McIlwraith said that it was not always clear by which properties' guests the issues were being caused since there was more than one letting property in the stair. He said that it could also cause tension for the remainder of a guests' stay if he made a report about them. He referred to the cumulative effect on residents of the STL properties, particularly in the summer. He advised that he had made reports to lettings agents, sometimes the next day, by which time it was too late to deal with the issue. The Convener encouraged residents to contact East Lothian Council and Police Scotland to report issues, as they kept records and were the consulted on such applications. PC Wilson confirmed that Police Scotland held no record of any complaints relating to the property.

Councillor McMillan felt that Members were faced with a difficult situation following the introduction of STL legislation, because such properties were important to tourism, but communities also had to be considered. He felt that clear points had been made and there was a need for all involved to be considerate neighbours. He proposed that the licence be granted for a period of 18 months, until September 2025, to allow the situation to be monitored now that neighbours were aware of where best to report their concerns. The Convener seconded this proposal.

Mr Forrest confirmed that it was within the Sub-Committee's gift to grant a licence for 18 months to allow the licence to run and ascertain whether there may be any issues prior to renewal.

Responding to a question from the Convener, Mr Forrest advised that planning and licensing were separate issues. He reiterated that if STL tenants used the property without planning permission, the applicant would leave himself open to enforcement action. He advised that Mr Miller-Stirling ensure this was resolved and to have planning permission in place before proceeding with his business. The Convener reiterated earlier comments about reporting issues.

The Convener moved to a roll call vote on the proposal to grant the STL licence for a period of 18 months, and Members unanimously voted to grant the application on this basis.

Decision

The Sub-Committee agreed to grant a licence to operate a short-term let for a period of 18 months.

3. TAXI AND PRIVATE HIRE CAR LICENSING

A report had been submitted by the Executive Director for Council Resources to advise the Sub-Committee of proposed alterations to the Taxi and Private Hire Care Driver and Operator Conditions.

Mr Forrest spoke to the report. He highlighted the recommended changes, which were outlined at paragraph 3.4 and 3.5. He advised that members of the taxi trade had expressed concerns after investing in new vehicles which would not have complied with the updated conditions. The changes related to Condition 1 (side loading), Conditions 13.4-13.6 (age of vehicles), and Condition 14.2 (number of passenger seats); it was proposed that for vehicles licensed prior to the conditions becoming live on 1 April 2025, these conditions would not apply and the licence for such vehicles would be renewable on the terms of the previous conditions. The intention was to allow presently licensed vehicles seating six passengers, and/or which were rear-loading as opposed to side-loading, to continue to be licensed until such time as they met the upper age limits provided for in the guidance. Mr Forrest explained that transportation colleagues had highlighted that only 15 months of notice had been given to the taxi trade, rather than the intended three years, and it was felt that it was unfair to penalise members of the trade who may have invested in a new vehicle which did not meet the new requirements. He confirmed that this would apply only to new applications for a new licence and not to existing taxi licences.

Councillor McMillan asked about communication of the changes to the taxi trade. Sheila Fitzpatrick, Team Manager – Licensing and Landlord Registration, advised that transport colleagues had been in favour of the paper's recommendations. She advised that all licensed drivers would be made aware of the changes by email. She suggested that corporate communications could also assist in making the public aware of the changes.

The Convener commented that being able to consult a local taxi drivers' association would make such decisions more of a shared process, but said attempts to set up such a group had been unsuccessful.

The Convener then moved to a roll call vote, and Members unanimously voted in support of the report recommendations.

Decision

The Sub-Committee agreed:

The undernoted sections of Schedule A will, from and after their coming into effect on 1 April 2025, apply only to new grants of a licence:

Condition 1 - regarding side loading

Conditions 13.4-13.6 - regarding age of vehicles

Condition 14.2 - regarding number of passenger seats

For vehicles licenced prior to these conditions becoming live on 1 April 2025, these conditions would not apply and the licence for such vehicles would be renewable on the terms of the previous conditions and applying prior to the new terms coming into effect on 1 April 2025. This would allow presently licenced vehicles that seat six passengers, and/or were rear-loading as opposed to side-loading, to continue to be able to be licenced until such time as they meet the upper age-limits provided for in the Guidance.

Note: Summary of information

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

4. REMOVAL OF REQUIREMENT FOR DISPLAY OF PUBLIC NOTICE FOR AN HMO APPLICATION

The Licensing Sub-Committee agreed to disapply the requirement for a notice of licence application under the specific circumstances outlined in the report.

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

2a

Fill in if you are applying as an individual:

Title Mrs

Your full name Sophie Gillies

Date of birth [REDACTED]

Place of birth [REDACTED]

Home Address [REDACTED]

[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)
[REDACTED]	[REDACTED]	03/2018	31/23
[REDACTED]	[REDACTED]	06/2017	03/2018

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).

Trading Name and Nominated Individual _____

Address _____

_____ Postcode _____

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.
Donald Gillies	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

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

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

PART 2: PREMISES DETAILS

Where you have a single premises with multiple accommodation units, please complete the Premises Details Supplementary form.

Premises Address East Wing, Tynninghame House, Tynninghame, Dunbar

Postcode EH42 1XW

Unique Property Reference Number (if known) _____

EPC Rating* D

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

Please select the type of premises:

Detached House Semi-detached house
 Terraced House Flat
 Unconventional accommodation

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

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

Specify the number of rooms within the premises used as:

Bedrooms 5 Bed/Sitting rooms 1

Bathrooms 5 Kitchens 2

Lounges 0

Other (please specify) _____

Specify the maximum number of guests 10
(excluding children under 2 years of age)

Specify the number of off-street car parking spaces available 4

PART 3: APPLICATION AND LICENCE TYPE

(to be completed by all applicants)

Please select the application type:

- First application (new operator)
New application (where property has been used as licensed STL previously)
Renewal
Change to existing licence

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 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 occupancy).

PART 4: CONVICTIONS

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

NAME	DATE	COURT	OFFENCE	SENTENCE

PART 5: APPLICATION CHECKLIST

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

I have enclosed the following (please tick to confirm (or enter N/A))	
Correct application fee	See East Lothian Council website – Civic Licence Fees
Annual gas certificate (for premises with a gas supply)	Valid to: N/A / N/A / N/A
Electrical Installation Condition Report	Valid to: 04 / 08 / 2033
Portable Appliance Testing Report	Valid to: 14 / 02 / 2029
Fire Risk Assessment	<input checked="" type="checkbox"/>
Fire Service Safety Checklist	<input checked="" type="checkbox"/>
Legionella Risk Assessment	<input checked="" type="checkbox"/>
Planning permission (for premises within a control area or where requested by the licensing authority)	Planning application reference number: N/A East Lothian Council confirmed Planning Permission is not required
Floor plan	<input checked="" type="checkbox"/>
EPC Certificate (for premises which are dwellinghouses)	Valid to: 08 / 02 / 2034
Public Liability Insurance	Valid to: 31 / 01 / 2025
Proof of consent from owner (if applicable)	N / A

I have: (please tick to confirm (or enter N/A)	
Identified the owners and those involved in the day-to-day management of my premises	✓
Ensured that to the best of my knowledge all those named on my application are fit and proper persons	✓
Prepared information that will be available to guests at the premises including: (a) a certified copy of the licence and the licence conditions, (b) fire, gas and electrical safety information, (c) details of how to summon the assistance of emergency services, (d) a copy of the gas safety report, (e) a copy of the Electrical Installation Condition Report, and (f) a copy of the Portable Appliance Testing Report.	✓ ✓ ✓ N/A ✓ ✓
Applied for planning permission (if required).	N/A
Noted the requirement to display my licence number and EPC rating on listings for my premises	✓
Proof that furniture and furnishings/the furniture and furnishings guests have access to, comply with fire safety regulations	✓
Read and understood the mandatory conditions that will apply to my licence	✓
Read and understood the additional conditions that will apply to my licence	✓

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

PART 6: DECLARATION

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

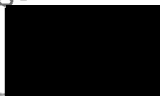
Anyone who gives false information on this form, or fails to provide the information required by this form, is committing an offence which could lead to prosecution.

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

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

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

Signed



Print name Sophie Gillies

Date 17 February 2024

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

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

CERTIFICATE OF COMPLIANCE

SHORT-TERM LETS LICENCE – CONFIRMATION OF
DISPLAY OF PUBLIC NOTICE

Confirmation Of Display Of Notice

This section must be completed by the applicant and the whole notice returned to the East Lothian Council, Licensing, John Muir House, HADDINGTON, EH41 3HA or licensing@eastlothian.gov.uk at the end of the 21-day display period.

I (Full name of applicant) Sophie Gillies

Certify that the notice of application has been displayed as prescribed above for a period of not less than 21 days

From 14 February 2024 ending on 9 March 2024

Applicant's signature 

Date 9 March 2024

Licensing

From: Donald Gillies [REDACTED]
Sent: 26 February 2024 15:00
To: Licensing; Short Term Lets
Cc: [REDACTED]
Subject: East Wing - STL76010

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.

Hi STL & Licensing Team,

My wife Sophie Gillies (cc'd) and I understand that our neighbours have been in touch with you regarding our application for a short term let home letting license for our property, the East Wing at Tynninghame House.

We have received notice from the neighbours that East Lothian Council are to be in touch with us in order to tell us to re site the public notice. That is obviously unnecessary as we have put it in a place accessible to the public and near the property. This is reaffirmed by the fact all of our neighbours are aware of the notice and have been in contact with you.

You should be aware that our neighbours have a history of making vexatious claims against us and our property in relation to East Lothian Council and if they tell you that applying for a short term let or home letting license is against our title deeds you should know that is completely untrue. Granting of the licence will not breach our title deeds or any other restrictions on the property. It is also not something that should affect how the council treats our application.

We sited the notice on the 17th of February and believe that the requisite notice period remains ongoing.

We are not physically home as we are visiting family overseas so please direct any correspondence with us on email.

Thank you,

Donald and Sophie Gillies

Consultation responses

Antisocial Behaviour team – No objection (29 February 2024)

Parking team – No objection (29 February 2024)

Planning Authority – Planning permission not required (02 April 2024)

Environmental Services – No response

Police Scotland – No response

SFRS – No response

Licensing

From: Deanna McHugh [REDACTED]
Sent: 04 March 2024 08:28
To: Licensing
Subject: Re: Wrongful licence to let application

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 East Lothian Licensing;

Since my previous email to you, I have searched online for any application by the owners of the East Wing of Tynninghame House for the appropriate planning permissions (CLUD, etc.), in order to have their application for short term letting of the East Wing considered. The permissions have not been granted, nor have applications for such permission been submitted..

The application for short-term let which has been submitted is problematic on several grounds.

- 1) The owners of the East Wing have sought to circumvent neighbour or public comment on their application by their improper placement of the notice.
- 2) The owners of the East Wing have failed to obtain any sort of planning consent for their proposed letting of the East Wing of "A" listed Tynninghame House.
- 3) The proposed letting of the East Wing is specifically forbidden within the Title Deeds signed by the owners of the house at the time they purchased the property and would be legally actionable by Tynninghame Gardens Ltd as a breach of covenant. All of the householders at "A" listed Tynninghame House have signed contracts stipulating that the house would not be rented out or used for commercial purposes. Privacy and security contribute to the overall value of the properties owned at Tynninghame House and would be severely compromised by commercial activity. The owners of the East Wing are wrongfully requesting the Council to approve an illicit activity in breach of covenant.

In sum, the Gillies' application for short-term letting is an affront to common sense, as well as disrespectful of the protected house and gardens, the other property owners at Tynninghame House, and East Lothian Council's policies for short-term letting.

According to East Lothian's policy for short term lets licensing, the application submitted by the owners of the East Wing should not even be considered by the Council:

"If you apply for a STL licence and you do not have the required Planning Permissions or CLUD (Certificate of Lawful Use or Development), East Lothian Council will refuse to consider your application."

On these grounds and any others which apply, please refuse the application submitted under the name Sophie Gillies for short-term letting of the East Wing of Tynninghame House.

Thank you.

Best regards,

Deanna McHugh



On 27 Feb 2024, at 10:00, Deanna McHugh <[redacted]> wrote:

Dear Sir or Madam;

The following notice of application for a licence for short term letting of the East Wing was found affixed to an inoperable wooden gate along Lime Tree Walk, a substantial distance from Tynninghame House, which is barely visible across acres of grazing fields from this point. (Screenshots from Google maps below)

Because of the out-of-the-way posting of the notice, neighbours at Tynninghame House and members of the public would not normally see this notice, concern themselves with it, or connect it to the house in any way. This would have effectively blocked any comment on the application occurring within the 3 week window of opportunity for comments, except that local residents along the lane called it to the attention of Tynninghame Gardens Ltd, the homeowners association of Tynninghame House and its gardens, which should have been consulted prior to submission of the application.

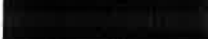
Not only does the positioning of the notice intentionally circumvent the Council's guidelines for such applications, the Title Deeds for the East Wing (and other properties within Tynninghame House) specifically prohibit renting out — or any commercial use — of the properties within the house.

Please reject this application.

Thank you for your attention to this matter.

Best regards,

Deanna McHugh



<image0000001.jpeg>

Ref Application for short-term lets licence
East Wing, Tynninghame House
Dunbar, East Lothian, EH22 1XW
Sophie Gillies

28th February 2024

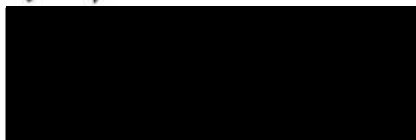
Dear Sirs, I object to the above application,
due to the following main reasons:-

- 1/ It is expressly forbidden in the title deeds of the properties in the Tynninghame Development.
- 2/ Access to the property is via a small internal courtyard shared with four other properties. It would therefore have a major impact on the privacy and enjoyment of the four immediate neighbours, used as private occupied dwellings.
- 3/ Consent for a short term let would affect the fourteen other owners of the "Tynninghame House development", who share private communal gardens, resulting in different people occupying the private gardens, and destroying the privacy and amenity

of the guidelines for the above regulation. The property under application is not a stand alone property, but forms an integral part of the development, and cannot be treated as self contained.

I therefore request that the application be declined.

Yours faithfully



Licensing

From: John McNeill [REDACTED]
Sent: 08 March 2024 16:59
To: Licensing
Cc: joanne McNeill
Subject: Application for short term rental licence in the name of Sophie Gillies, East Wing, Tynninghame House, EH42 1XW

[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,

We are residents at the [REDACTED]

We have multiple objections to this application:

1. The application was posted 2.3 miles (driving from Tynninghame House on public roads) to a broken fence on Limetree Walk, Tynninghame, behind a muddy verge. It is surprising that anyone ever saw it.
2. Tynninghame House consists of communal grounds (for all residents) and private gardens (surrounding individual properties, a much smaller number). The intention of the original design is that there would be a harmonious community, that would have privacy when they wanted it, and company when they desired it.

To the south of the property there is a bay walk, connecting the East and West Wings (all private property, not part of the communal gardens). Our property at the [REDACTED] represents the vast majority of the bay walk. The bay walk leads into the most important part of the private gardens surrounding Tynninghame House, the rose garden/parterre. This is shared between The West Wing and our neighbour in the Library Wing exclusively. The private gardens shared between the West Wing and Library Wing are of historic significance, including an important Sundial and garden ornaments of great age.

3. There is no visible division between the East Wing and the West Wing, as the intention of everyone who has ever lived here is that it should look like a continuum. Short-term renters would not know the demarcation and would naturally be interested in surveying the very much more important gardens beyond the East Wing. This would be a gross intrusion of our privacy.
4. Living in such a tranquil and peaceful place, until recently, has had powerful health and restorative benefits to my wife [REDACTED]. It is very important to me that this is not disturbed.
5. Building work: It is in the nature of historic houses that they need frequent maintenance. The West Wing has had scaffolding from floor to roof in the past few months after storm damage. Our neighbour at the Library Wing will need scaffolding soon to deal with similar issues. This is always a time of anxiety from a security point of view and we do not want unknown people wandering around in this context.
6. Livestock: The land adjacent to Tynninghame House, Haddington estate land, is grazed by sheep and cattle. Short-term renters may have animals. The scope for mishaps is obvious.

In short, I cannot conceive of a property less suited to a short-term rental licence.

Yours faithfully,

Licensing

From: Judy Riley [REDACTED]
Sent: 06 March 2024 18:01
To: Licensing
Subject: Short term let License East Wing Tynninghame House

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Dear Sir/Madam

Application for Short term let from Sophie Gillies for The East Wing Tynninghame House

I wish to object to the Application for several reasons.

Background

Tynninghame House is a Grade A Listed Building which is divided into nine apartments. There are a further six dwellings in the grounds, making a total of fifteen proprietors. The houses in the grounds have their own separate, private gardens. Some apartments in the House also have private areas of their own. There are no boundaries visible, as this would make a mockery of the design – The House is meant to look as if it has one owner. There are 38 acres of common ground which is divided between lawns, woodland and the Secret Garden. The common garden areas and drive are managed by Tynninghame Gardens Ltd.(TGL), a limited company owned by the residents.

I think it would be desirable if you visited Mrs Gillies at the East Wing so that you can see our situation for yourselves. It is a very unconventional one. The Scottish Government advises site visits in unconventional premises.

It is unclear to me whether this Application represents a change of use, as the East Wing is a dwelling house. In such a case I believe Planning Permission must also be granted by the Planning Department.

Objections:

1. The first objection is that the proposal would be unlawful; it is not permitted in our title deeds. It is clearly stated in the title deeds that 'except with the written consent of the Superior, the Feuar(proprietor) is prohibited from using any part of the feu for the purpose of any trade, business or manufacture or for any purpose other than as a private dwelling house with appropriate domestic offices for the occupation of one family; (D14 Burdens 4.One) Sophie Gillies knows this

2. Secondly, 'the Feuar is not entitled to carry on or conduct on the feu any activity which may be deemed by the Superior to be a nuisance or prejudicial to the amenity of the owners of other

residential units in the Tynninghame House Development of which the subjects in this title form part;' (D14,15 Burdens 4.Two) Again, Sophie Gillies knows this.

Taken together, both Burdens from the title deeds suggest that short term letting, without the permission of TGL members, is unlawful. Neither the neighbouring residents nor TGL have been consulted.

3. Nuisance: Because of the shared nature of the gardens it would be totally inappropriate to have strangers regularly wandering about.

4. Danger to children: There are many families who have younger members who visit and enjoy playing safely in the gardens and wandering about the woodland on their own. Because it is private and we all know one another, they are not in any danger. That would change if strangers were constantly visiting.

5. Safety of Garden machinery and tool:. We employ two gardeners who keep the machinery and tools in sheds which are not locked during the daytime, while they are working here. We have had one burglary when chain saws and other equipment were stolen. To have ever changing (and unknown to us) guests here would pose a threat to the safety of our machinery and a possible danger. Our gardeners have all the necessary certification but it would be impracticable to have all machinery locked at all times.

6. Large groups: The East Wing is a large apartment with several bedrooms and would attract large groups. Inevitably there would be noise, disturbance and an accumulation of rubbish strewn about the common areas.

I note that the Public Notice of Application for Short-Term Lets Licence was posted a mile from the house, on a gate on the road to Tynninghame Links, far from the visibility of residents. Indeed the boundary wall on which it was posted belongs to Haddington Estates, and not to Tynninghame Gardens Ltd. All other notices of Planning Applications have been posted by E.L. Council on one or other of the entrances to the estate on the A198, thus clearly visible to all residents.

Finally, the applicants have just put the property to which their Application relates, the East Wing, up for sale. Taking this and the foregoing points into consideration, it is difficult to escape the conclusion that the Application is at best frivolous or at worst mischievous.

Yours faithfully

Judy Riley

Lindsay, Arlene (Licensing)

From: Licensing
Sent: 01 March 2024 14:22
To: Short Term Lets
Subject: FW: East Wing, Tynningame House. Short term letting Licence

From: [REDACTED]
Sent: Friday, March 1, 2024 1:25 PM
To: Licensing <licensing@eastlothian.gov.uk>
Subject: East Wing, Tynningame House. Short term 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.

I am writing to object to the application for a Short-term letting licence for the East Wing, Tynningame House.

Tynningame House is a property comprising 15 freehold dwellings with a shared garden. There are some private areas of the garden, but the main areas are shared and jointly maintained. It is written into our Title Deeds that no dwelling is allowed to be used for commercial gain – to quote: “prohibited from using any part of the feu for the purpose of any trade, business or manufacture or for any purpose other than as a private dwellinghouse with appropriate domestic offices for the occupation of one family.”not entitled to carry on or conduct on the feu any activity which may be deemed by the Superior to be a nuisance or prejudicial to the amenity of owners and occupiers for the time being of other residential units in the said development’

On this basis alone I would object to the licence for short-term lets. It would be inappropriate given the proximity of neighbours and shared grounds.

Regards
Priscilla Parry





Verbal abuse and threatening behaviour is never acceptable. #zerotolerance

We're living through stressful times right now, and everyone's feeling it.

Our staff are doing their best to assist local residents and businesses whilst delivering essential services.

Please, be nice.



BE NICE
RESPECT US AS WE RESPECT YOU



30:02:2024

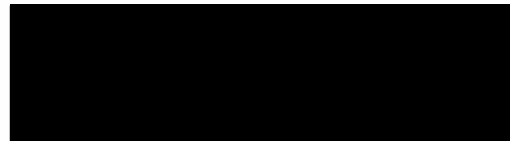
Dear Sir/Madam,

I am writing in relation to the application for a Short-Term Lets Licence for the property at East Wing, Tynninghame House, Tynninghame, Dunbar. EH42 1XW.

I fully support this application as I feel that such high quality accommodation in an idyllic situation is greatly needed in East Lothian. The property has its own parking spaces, entrance and garden as well as access to the shared grounds surrounding Tynninghame House. The house location is ideally suited for access to East Lothian's fantastic beaches and the nearby John Muir Country Park. It is in a great position for the occupants to make use of the many golf courses in the county as well as taking part in other outdoor activities.

With access to train stations at East Linton, Dunbar and North Berwick the country's capital is within fast and easy reach, allowing visitors to visit and enjoy the huge number of attractions there.

Yours sincerely,



James Leslie

East Lothian Council
Licensing

- 5 MAR 2024

Received

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

APPLICATION FOR GRANT / RENEWAL OF SHORT-TERM LET LICENCE

PART 1: ABOUT YOU

Are you applying as an individual or corporate entity?

Individual Corporate Entity

2b

Fill in if you are applying as an individual:

Your full name ELIZABETH JANE KITCHING

Date of birth [REDACTED]

Place of birth [REDACTED]

Home Address [REDACTED]

[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):

[REDACTED] [REDACTED] 12/2012 2/2023

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 CHARLES TORQUIL HAMILTON MCINROY

Date of birth [REDACTED]

Tel. No. [REDACTED] Email address [REDACTED]

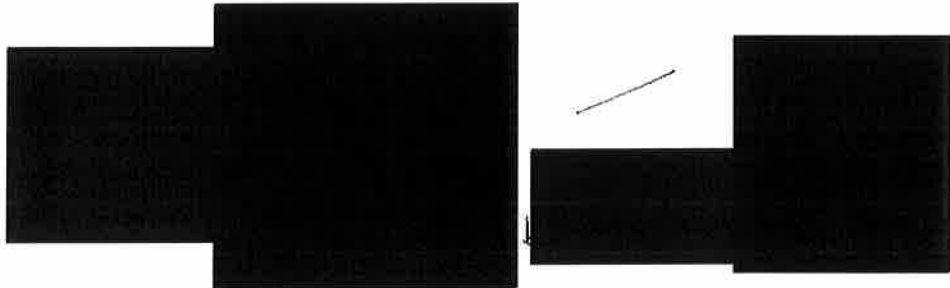
Joint Ownership

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):

REV. FRANK
HUGH
BLANCHARD
ELIZABETH
JANE
KITCHING



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).

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):

CHARES TORQUIL
HAMILTON MCINROY
(Agent)



PART 2: APPLICATION AND LICENCE TYPE

(to be completed by all applicants)

Please select the application type:

- First application (existing operator*)
- First application (new operator)
- New application (where property has been used as licensed STL previously)
- Renewal
- Change to existing licence

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

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

Existing licence number _____

Existing licence expiry date _____

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

Previous licence number _____

Previous licence expiry date _____

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

- Home sharing
- Home letting
- Home sharing & home letting
- Secondary letting

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

Yes No N/A

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

PART 3: PREMISES DETAILS

Premises Address TUSCULUM, FLAT 4, 3 LINKS ROAD

NORTH BERWICK Postcode EH39 4LT

Unique Property Reference Number (if known) _____

EPC Rating* Band C (72)

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

Please select the type of premises:

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

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

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

Specify the number of rooms within the premises used as:

Bedrooms 2 Bed/Sitting rooms 4

Bathrooms 1 + SEPERATE TOILET Kitchens 1

Lounges 1

Other (please specify) UTILITY ROOM, CORRIDORS, GARAGE

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

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

Yes No

PART 4: CONVICTIONS

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

PART 5: APPLICATION CHECKLIST

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

Correct application fee	See East Lothian Council website – Civic Licence Fees
Annual gas certificate (for premises with a gas supply)	Valid to: 27 SEP 24
Electrical Installation Condition Report	Valid to: 16 Nov 27
Portable Appliance Testing Report	Valid to: DEC / 23
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:
Floor plan	✓
EPC Certificate (for premises which are dwellinghouses)	Valid to: SEPTEMBER 2033
Public Liability Insurance	Valid to: AUGUST 2024
Proof of consent from owner (if applicable)	
Evidence of operation as a short-term let on or before 1 October 2022 (for existing hosts applying during transitional period)	

- 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).
- 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 ✓
- 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 MRS ELIZABETH JANE KITCHING

Date 29 | 9 | 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

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

CERTIFICATE OF COMPLIANCE

SHORT-TERM LETS LICENCE – CONFIRMATION OF
DISPLAY OF PUBLIC NOTICE

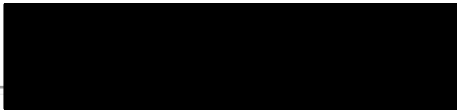
Confirmation Of Display Of Notice

This section must be completed by the applicant and the whole notice returned to the East Lothian Council, Licensing, John Muir House, HADDINGTON, EH41 3HA or licensing@eastlothian.gov.uk at the end of the 21-day display period.

I (Full name of applicant) CHARLES TORQUIL HAMILTON MCINROY

Certify that the notice of application has been displayed as prescribed above for a period of not less than 21 days

From 8 Oct, 2023 ending on 29 Oct, 2023

Applicant's signature 

Date 16 Jan, 2024

Consultation responses

Antisocial Behaviour team – no objection (28 February 2024)

Parking team – no objection (29 February 2024)

Police Scotland – no objection (11 March 2024)

Planning Authority – Certificate of Lawfulness or Development (CLUD) granted 11 May 2021 (5 March 2024)

Rafferty, Alison (Licensing)

From: Hugh MacKenzie [REDACTED]
Sent: 02 October 2023 12:30
To: Short Term Lets
Subject: Re: Objection to short term holiday letting

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Sent from my iPad

On 30 Sep 2023, at 21:11, Hugh MacKenzie <[REDACTED]> wrote:

OBJECTION TO HOLIDAY LETTING

Please direct this email to the appropriate person or Department

The Property in question is:

Flat 4, " Tusculum", 3 Links Road North Berwick

Owner: Jane Kitching

This property is currently advertised as being available for letting and there has been no indication that a STL licence application is in progress.

This property is a two bedroom flat within the converted 36 room property called "Tusculum" which contains five other flats

For some years this flat was let on an irregular basis and it was claimed that the visitors were "family and friends". When it became clear that it was actually being let as a business , the owner was pressed to obtain the usual Planning Consent for change of use from Residential to Business use. This would usually involve an inspection of the premises to see if they were fit for purpose.

Instead of applying for Planning Consent, Ms. Kitching obtained a Certificate of Lawfulness on the false claim that she had been running the Business for 10 years.

The five other owners of flats in Tusculum formally objected to this but found that there was no right of appeal.

So the situation today is that Ms Kitching may have applied for a License to continue with Short-term Holiday Lets in a property which has never been inspected to establish its suitability for this use.

The main concerns from the other owners are:

1) There is a common entrance to five of the flats so there is loss of privacy and concerns about security.

2) There is a particular loss of privacy for Flat 1 as visitors regularly peer through her window.

3) Four of the flats are served by an antiquated lift with trellis gates which is unsuitable for public use on safety grounds. It is often left with the gates improperly closed which is a great inconvenience to Flat 6 on the third floor.

4) The noise from holidaymakers "enjoying" their holiday is often intrusive and requires resident's intervention and on at least one occasion the police have been involved.

5) "Tusculum" is inherently unsuitable for holiday lets. It was not purpose-built as a tenement but was converted to flats in 1950. As a consequence, the rooms do not stack up like for like. For example the room of Flat 4 above our bedroom in [REDACTED] is a livingroom and the kitchen is above another bedroom. The owners are aware of this mismatch and behave with consideration but holiday makers are unaware of this peculiarity.

6) It may be worth stating again that Flat4 has never been inspected the ascertain its suitability for holiday letting

I hope that you will be able to include these points in your review of a Licensing Application for Flat 4 in "Tusculum" for short term letting.

Dr H.A. MacKenzie

[REDACTED]

Objections to the STL License Application

Flat4, TUSCULUM, 3 Links Road, North Berwick

Owner: Jane Kitchen

Agent Torquil McInroy

Reference: UPRN 138020425 Lodged 29th September 2023

From H.A. MacKenzie, [REDACTED]

“Tusculum” is a large Victorian house comprising 36 rooms, divided into six flats.

From the STL Public Register I have just found out that the Application for a Short-Term License for the above premises is “Pending”. This is the first indication that I and the other owners have that a STL License Application was in progress. I note that the Application is dated 29th September.

I have noted that, for other STL Applicants in North Berwick, Notices which indicate that an STL Application has been made has appeared on a nearby lamp post, on an entrance gate or other location where those who are going to be affected by the Application can read the details. This has not happened in this case.

A key factor in my objection is that Flat4 has never been inspected as to its suitability for short-term letting. It was let for many years without Planning Consent and when challenged on this they successfully obtained a Certificate of Lawfulness which did not require an inspection.

In brief, the main basis for objections to this Application are as follows:

1. The premises have never been inspected to assess the suitability of Flat4 for STL.
2. The use of a communal entrance which gives access to five of the six flats.
3. The loss of privacy which results from the use of a common stair by strangers
4. The dangers involved in using an antiquated lift with open trellis gates with which the owners are familiar with but could pose significant dangers to visitors
5. A particular loss of privacy for Flat 1 where strangers can peer directly into the house.
6. The use of Flat 4 as a business is contrary to the Title Conditions of Tusculum

Rafferty, Alison (Licensing)

From: Alan Duckett [REDACTED]
Sent: 04 February 2024 16:02
To: Short Term Lets
Subject: Objection to STL Flat 4 Tusculum

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

Dear Sir / Madam,

Please find below my objection to this application

TUSCULUM, 3 Links Road, North Berwick

Owner: Jane Kitchen

Agent Torquil McInroy

Reference: UPRN 138020425 Lodged 29thSeptember 2023

From : A.Duckett, [REDACTED]

“Tusculum” is a large Victorian house comprising 36 rooms, divided into six flats. From the STL Public Register I have just found out that the Application for a Short-Term License for the above premises is “Pending”. This is the first indication that I and the other owners have that a STL License Application was in progress. I note that the Application is dated 29th September.

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4. The dangers involved in using an antiquated lift with open trellis gates with which the owners are familiar with but could pose significant dangers to visitors
5. A particular loss of privacy for Flat 1 where strangers can peer directly into the house.
6. The use of Flat 4 as a business is contrary to the Title Conditions of Tusculum

Please do not hesitate to contact me for any clarifications

Yours faithfully

Alan Duckett

Sent from my iPhone

Rafferty, Alison (Licensing)

From: kathleen.fairweather@ [REDACTED]
Sent: 02 February 2024 17:02
To: Short Term Lets
Subject: Short term holiday let for Flat 4 Tusculum
Attachments: Objection.doc

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.

Please find attached my objections to the granting of a license for short term holiday lets to Flat 4 Tusculum, 3 Links Road North Berwick EH 39 4LS

Objection to short term let for Flat 4, Tusculum, 3 Links Road, North Berwick EH39 4LS

Reference number UPRN Owner Mrs Jane Kitchen Agent Torquill McInroy

From Kathleen M Fairweather [REDACTED]

I am surprised to find that an application for a license to use Flat 4 in Tusculum as a short-term holiday let was submitted to the Council on 29th September 2023. There was no notification of this from the owners or the agent of the property and no notice was placed on the street or at the entrance to the property. If a license for Flat 4 to be used for short-term letting has already been granted, it should be withdrawn until the proper procedures have been followed, and neighbors given the opportunity to raise objections.

I live at [REDACTED] a flat in Tusculum, a Victorian house divided in to 6 flats in 1949. 3 of the flats, including mine are entered from York Road and 3 from Links Road. Although my front door is on York Road, my garden is entered from Links Road, via a courtyard which gives access to Flats 4 5 and 6. This is quite confusing for visitors and especially for delivery drivers. After a long period when Flat 4 was used by a family for holidays without any inconvenience to the neighbors, it was given to their daughter who for some years now has used it as a business for short-term lets. This has caused a number of problems for the owners of other properties in Tusculum. The problems that specifically affect my enjoyment of my property are as follows:

1. Those renting Flat 4 often assume that my garden is communal. I have found a (very polite) little Chinese girl enjoying my summer house, an Irish family spreading out their picnic rugs on my lawn and a very abusive Italian who had parked a heavy 4 wheel drive partly on the parapet above my garden where he had broken the paving stones along the top.
2. The shared entrance to Flats 4,5 and 6 leads to a lift which is also used by Flat 2 to reach the courtyard. To reach the door on to the staircase, which most holiday visitors use to access Flat 4, it is necessary for them to go up an outside stair which brings them up directly outside my kitchen window. Most visitors are quite polite and do not peer in, but it is very different when Flat 4 is let to scaffolders, who are in the area to erect and then dismantle stands for golf tournaments. They are not allowed to smoke in the flat, so smoke at the top of the outside stair directly outside my kitchen window and drop their cigarette ends and vapes and beer cans down to the courtyard below. This happens every year.
3. Holiday visitors do not follow East Lothian Council's recycling regulations. They throw everything in to any bin they can find. I keep my green and brown bins in my garden and have to go through the contents each time before I put the bins out to remove anything incorrect. Otherwise, quite rightly, the bins will not be collected.

I appreciate that tourism is important for North Berwick and for the East Lothian economy, but some properties are unsuitable for holiday lets and Tusculum is certainly one of them. If a licence for short term holiday letting is granted to Flat 4 in Tusculum it will make a mockery of the Council's whole licensing scheme. I think it only fair to give the Council a chance to address this issue before I write to the local newspapers.

Lindsay, Arlene (Licensing)

From: Alison Waite [REDACTED]
Sent: 20 February 2024 12:25
To: Short Term Lets
Subject: Objections to the STL Licence Application Flat 4, TUSCULUM, Links Road, North Berwick

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Objections to the STL Licence Application
Flat 4, TUSCULUM, 3 Links Road, North Berwick
Owner: Jane Kitchen ✍
Agent Torquil McInroy
Reference: UPRN 138020425 Lodged 29th September 2023

From A. Waite on behalf of J. Beattie, [REDACTED]

I am writing on behalf of my elderly mother, who has lived in [REDACTED] since 1984. No notification has been received by my mother regarding the STL application made for Flat 4, and none has been seen attached to neighbouring lampposts. My mother's neighbour recently discovered that an application had in fact been posted without notification to neighbours in September 2023. My understanding is that the title deeds specifically ban the use of any part of the house as business premises, and yet the owners of Flat 4 have flaunted this restriction for years, openly advertising the flat as a holiday let.

'Tusculum' was converted from one large Victorian private house into six flats shortly after the Second World War. The house has never been a tenement building and has never been designed, inspected or adapted for use as a short-term letting business. This unsuitability for SLT has been repeatedly highlighted by various aspects of the Links Road access to Flat 4, which have created disruption for everybody, including my mother who is 92 and struggles to climb stairs.

An inspection for STL suitability would have revealed that the lift allowing access to Flat 4 has its original 1940's gates. These have always been trouble-free for the three flats who use the lift a couple of times a day each. However, this lift is not appropriate for careless regular use by holidaymakers expecting automatically closing lift doors. Difficulties have been created for my mother on finding that the lift gates have been left open again and that consequently she cannot use the lift to leave the building when her knees are bad. An inspection would also have found that the courtyard is too small for extra cars. Visitors parking here block residents' cars and access to garage doors. Some of them also treat the adjoining private garden belonging to Flat 1 as a public park.

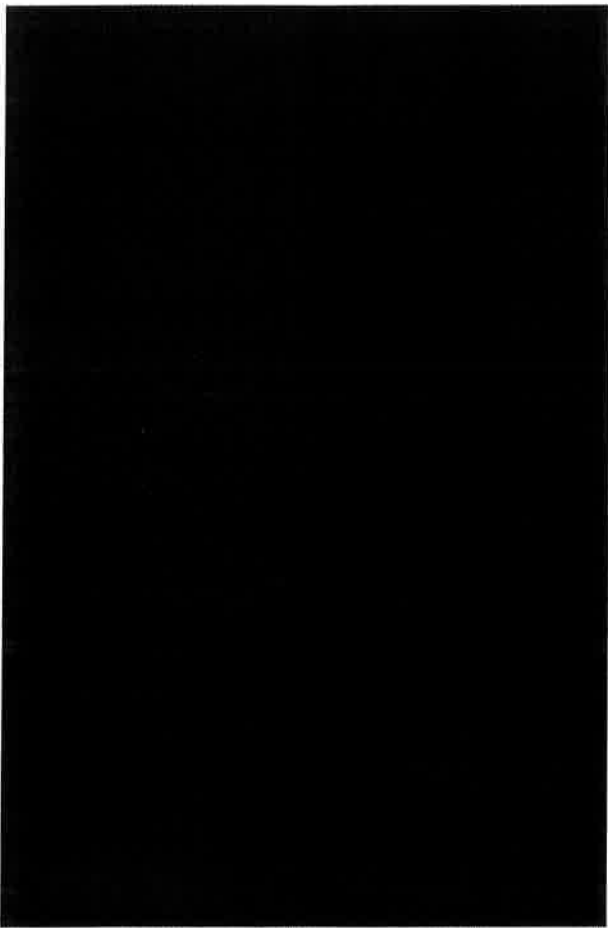
These access restrictions to Flat 4 call into question whether it is appropriate for use as a short-term let.

Rafferty, Alison (Licensing)

From: Anne MacKenzie [REDACTED]
Sent: 03 February 2024 11:19
To: Short Term Lets
Subject: Fwd: Short term letting licence

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Objections to the STL License Application

re: Flat 4, TUSCULUM, 3 Links Road, North Berwick

Owner: Jane Kitching

Agent Torquil McInroy

Reference: UPRN 138020425 Lodged 29th September 2023

From:

Anne MacKenzie



Dear Licensing Officer,

I am writing to express my concerns about both the licensing process for Short Term Lets and about the unsuitability of "Tusculum" as a holiday let property.

The email trail below shows that I wrote to you on the 24th October expressing my concerns about the safety and suitability of this property and was informed by reply that no application was in process but that there was a processing backlog. I have now been told that the application was received on the 29th September yet the usual Notification was not posted at a location where it could be seen by those who would be most affected. This can be confirmed by all of the five affected permanent residents in Tusculum.

The Application has just appeared in the Public Register, but does not indicate the number of rooms, maximum number of occupants and does not have a License Reference Number.

My concerns about licensing this property for short term letting are primarily safety concerns.

The communal entrance from Links Road provides access to 5 of the 6 flats in Tusculum. Some of the residents are elderly and are confused or unsettled by the loss of privacy and the number of unknown faces they intercept in the communal areas.

The property has an antiquated trellis-gated lift with no safety locks. Newcomers to the property are unaware of the lack of lift operating safety restrictions, such as the ability to accidentally stop the lift between floors. Users have opened the gate before the lift slowly creeps up to floor level and stepped out leaving the lift in a dangerous state for the next user who may not realise it is a step-down into the lift. Children should not be able to use the lift unless supervised or trained as fingers can easily be trapped in the trellis.

The lift is only insured for domestic use and not as a business service lift.

In addition, there have been unpleasant altercations with visitors to the property because of inconsiderate car parking which blocks access to residents' vehicles.

Similar altercations have taken place, when holidaymakers party late into the night. The disturbance to other residents is greater than it would be if the building was constructed like a more modern apartment block. In Tusculum, the rooms of each flat do not stack one above the other and, for example, in holiday let property, the living room is above the main bedroom of [REDACTED] and the kitchen of Flat 4 is above our spare bedroom. The living and kitchen rooms are the main socialising rooms for a holiday property.

This issue was recognised when the property was subdivided and protecting the amenity of all residents is the reason that the Title Conditions forbid running a business from any of the flats.

With the deception that that Flat 4 was being used by "Friends and Family" the property was let for several years without Planning Consent. When confronted the owner, again with an element of deception, obtained a Certificate of Lawfulness which circumvented the normal Planning process. As a result, Flat 4 has never been inspected as to its suitability for holiday letting and the other five residents have not had an opportunity before this to draw attention to this anomaly.

I hope my serious concerns are addressed when this application is being considered.

Yours sincerely
Anne MacKenzie

Begin forwarded message:

From: Short Term Lets <stl@eastlothian.gov.uk>
Date: 26 October 2023 at 13:32:00 BST
To: Anne MacKenzie [REDACTED]
Subject: RE: Short term letting licence query

Hi

We have not processed an application for that address but have a huge backlog of applications to process.

Regards

Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA
| T. 01620 827664 | E. licensing@eastlothian.gov.uk

From: Anne MacKenzie [REDACTED]
Sent: 24 October 2023 15:07
To: Short Term Lets <stl@eastlothian.gov.uk>
Subject: Short term letting licence query

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

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Subject 3 Links Road , North Berwick,

A Victorian house with shared entrances, complex layout and a potentially dangerous lift.

I am contacting you establish if a Short Term Licence Application has been received or STL Licence granted to

Jane Kitching or her agent Torquil McIlroy, regarding the short- term letting of Flat 4 (or B) at 3 Links Road , North Berwick, EH39 4LT.

The owner's home address is: Jane Kitching, [REDACTED]
[REDACTED]

Thank You
Anne Mackenzie

Sent from my iPhone

Re: STL Application for 3/4 Links Road, North Berwick.

Arial View of "Tusculum"

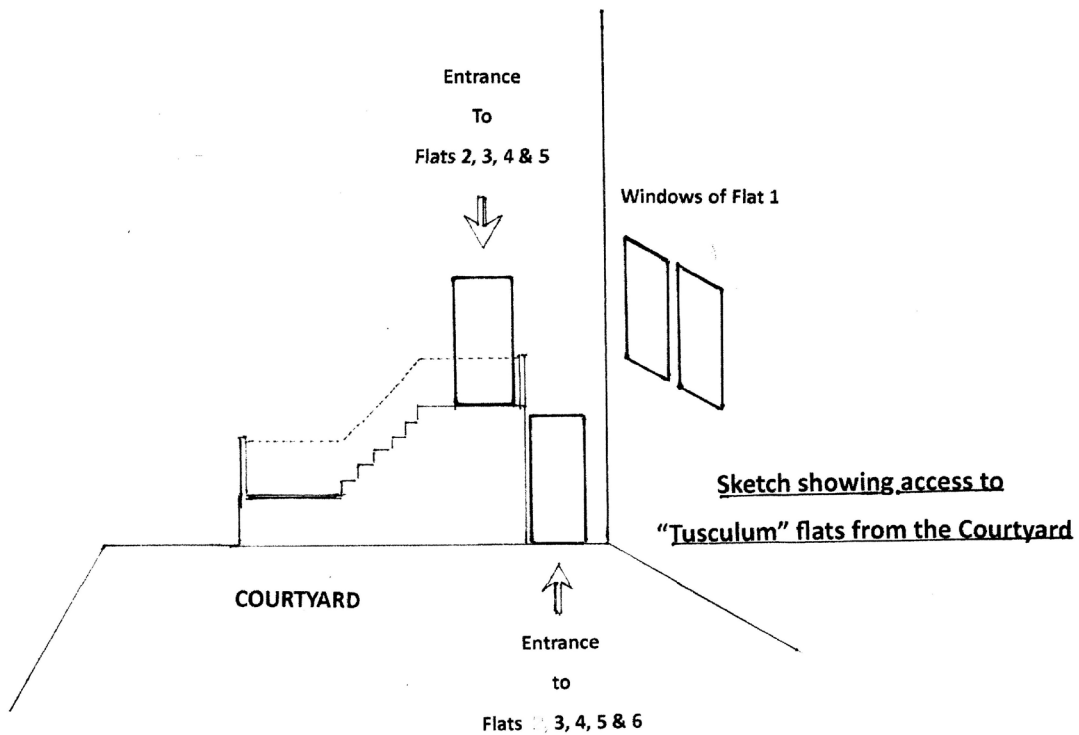




Re. STL Application, 3/4 Links Road, North Berwick

Photograph showing the trellis gate of the lift. There is an inner and outer gate and if either is improperly closed, the lift is immobilised even between floors.

The trellis gate is a particular hazard for children.



nn



Re. STL Application, 3/4 Links Road, North Berwick

Sketch and photograph showing the access to “Tusculum flats from the courtyard.

The lower entrance gives access to Flats 3,4,5 and 6. The upper entrance gives access to the communal staircase and Flats 2, 3, 4 and 5.

Summary of objections to:

Short-Term letting of Flat 4, “Tusculum”, 3 Links Road, North Berwick

- **“Tusculum” was built for single occupancy**
- **With compromises, it was converted into six flats**
- **There are two entrances to flat 4 from the courtyard**
- **The lower entrance gives access to flats 3,4,5&6**
- **The upper entrance gives access to flats 2,3,4&5**
- **There is a lift which can be problematic for visitors**
- **There is a communal staircase which can be noisy**
- **The STL of flat 4 to six visitors causes a loss of privacy**
- **This is the first opportunity for residents to make objections.**
- **The flat has never been scrutinised as to its suitability for STL.**
- **There are security issues with STL in this building**

From: [REDACTED]
To: [Crichton, Rebecca](#)
Subject: Documents for Licensing Sub Committee Tusculum Flat 4 3 Links Rd EH39 4LT
Date: 11 April 2024 15:52:00

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

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Dear Rebecca

Thank you for contacting me this afternoon. Further to our conversation I attach the following documents to be submitted to the sub Committee prior to the meeting on the 18th April

- 1 Introductory Letter
- 2 Solicitors Letter(another email)
- 3 Letter to Neighbours
- 4 Neighbours Reply
- 5 Newspaper Articles links

<https://www.eastlothiancourier.com/news/19501831.neighbours-lose-appeal-north-berwick-flat-appears-rent-airbnb/>

<https://www.edinburghlive.co.uk/news/edinburgh-news/lothian-airbnb-flat-row-neighbours-21266150>

I will forward a personal statement to you asap

I hope this is in time to be added to the pre meeting documentation

Best Regards

Jane Kitching

Sent from [Mail](#) for Windows

Dear Sir/Madam,

My application for an STL licence at Tusculum, 3 / 4 Links Road, North Berwick, EH39 4LT is due to be heard before the Licensing Sub-Committee at 2pm on Thursday 18th April 2024. I am grateful for receipt of the objections which you have forwarded to me. I have read them carefully.

I wish to be represented at the hearing by my agent, Mr. Torquil McInroy, who has had daily conduct of the letting of this property. He has operated the complaint handling procedure which I put in place in July 2022. All of the complaints have emanated from Dr H. MacKenzie.

I wish to provide a written statement as to my character, to allow the Sub-Committee to assess my suitability, and I am willing to dial in to the hearing by telephone to answer any questions which the Committee may wish to ask me.

I attach a copy of a letter which I sent to my neighbours in July 2022 and a copy of the reply which I received from Dr MacKenzie.

It will be apparent from reading these letters that Dr MacKenzie harbours a deep-seated but wholly erroneous sense of grievance against my deceased mother and me.

I put in place the complaint-handling procedure specifically to distance myself from his continual bullying behaviour. I am advised that I am not obliged to submit to any further harassment or defamation from him in the course of these proceedings and I request appropriate dispensation to be permitted to participate in the hearing in the manner requested above.

The Sub-Committee members will read that, Dr MacKenzie believes that my mother was deceitful for many years in relation to the use of our flat and that I have also

deliberately circumvented scrutiny and behaved dishonestly and illegally in relation to my own dealings with the flat. I attach a letter from the solicitors who acted perfectly properly in the matter of an application for a Certificate of Lawfulness on my behalf.

These defamatory claims, in which Dr MacKenzie persists, are baseless.

Dr MacKenzie appealed to The Scottish Ministers against the grant to me of that Certificate of Lawfulness in relation to my use of the flat. It was held that he had no case and his “appeal” was dismissed. He chose to defame ELC too, claiming that they had failed to handle the application properly. ELC were obliged to issue a Press Release in response to correct the false impression which Dr MacKenzie sought to give. I attach a copy of the newspaper reports from the time.

To summarise, my application is to be permitted to participate in these proceedings by the filing of a written statement as to my character and background, to address the question of my suitability for a Licence; and for my authorised agent, Mr Torquil McInroy, to present my responses to the objections at the Hearing.

I look forward to receipt of the Sub-Committee’s decision on this preliminary matter of procedure in due course.

Yours sincerely

Jane Kitching

From: [REDACTED]
To: [Crichton, Rebecca](#)
Subject: FW: Jane Kitching - Certificate of Lawfulness; Our Ref: 078130-000001 [HM-HMWORKSITE.FID4483425]
Date: 11 April 2024 15:43:55

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Hi Rebecca

I have forwarded the solicitors letter and certificate of Lawfulness for the attention of the Licensing Sub Committee meeting on the 18th April regards Tusculum Flat 4 3 Links Rd EH 39 4 LT

Many thanks

Best regards

Jane Kitching

Sent from [Mail](#) for Windows

From: [REDACTED]
Sent: 11 April 2024 15:39
To: [REDACTED]
Subject: Fwd: Jane Kitching - Certificate of Lawfulness; Our Ref: 078130-000001 [HM-HMWORKSITE.FID4483425]

Sent from my iPhone

Begin forwarded message:

From: Mhairi Innes <Mhairi.Innes@harpermacleod.co.uk>
Date: 8 April 2024 at 17:24:30 BST
To: jane.kitching@icloud.com
Cc: John McHugh <John.McHugh@harpermacleod.co.uk>
Subject: Jane Kitching - Certificate of Lawfulness; Our Ref: 078130-000001 [HM-HMWORKSITE.FID4483425]

Hi Jane

I have been assisting John with this today. We have discussed the issue with one of our colleagues, Peter Ferguson.

Please see his response below following his review of the documentation you sent John earlier.

If you have any questions, please feel free to get in touch.

Thanks

Mhairi

MHAIRI

INNES

TRAINEE SOLICITOR
DISPUTE RESOLUTION

Tel: [0131 247 3348](tel:01312473348)

Mob: 07977859756

Citypoint 65 Haymarket Terrace Edinburgh EH12 5HD

From: Peter Ferguson <Peter.Ferguson@harpermacleod.co.uk>

Sent: Monday, April 8, 2024 5:06 PM

To: Mhairi Innes <Mhairi.Innes@harpermacleod.co.uk>; John McHugh
<John.McHugh@harpermacleod.co.uk>

Subject: RE: 078130-000001 - Jane Kitching - Certificate of Lawfulness renewal
[HM-HMWORKSITE.FID4483425]

Mhairi, John.

In relation to short term let licence applications, the applicant requires, amongst other things, to prove that short-term letting is lawful in planning terms. Lawfulness of the use can be established by either exhibiting planning permission or by applying for and obtaining a certificate of lawfulness of existing use.

In this case, as Mrs Kitching had used the property for short term letting for over 10 years, she was able to apply for a certificate of lawfulness. An application was made and the application was duly granted by East Lothian Council. The certificate of lawfulness is attached.

In terms of section 159(6) of the Town and Country Planning (Scotland) Act 1997, the lawfulness of a use for which a certificate is in force (which it is here) shall be conclusively presumed.

150 Certificate of lawfulness of existing use or development.

(1) If any person wishes to ascertain whether—

(a) any existing use of buildings or other land is lawful,

(b) any operations which have been carried out in, on, over or under land are lawful, or

(c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful, he may make an application for the purpose to the planning authority specifying the land and describing the use, operations or other matter.

(2) For the purposes of this Act, uses and operations are lawful at any time if—

(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason), and

(b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

(3) For the purposes of this Act, any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful at any time if—

(a) the time for taking enforcement action in respect of the failure has then expired, and

(b) it does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force.

(4) If, on an application under this section, the planning authority are provided

with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(5) A certificate under this section shall—

- (a) specify the land to which it relates,
- (b) describe the use, operations or other matter in question (in the case of any use falling within one of the classes specified in an order under section 26(2)(f), identifying it by reference to that class),
- (c) give the reasons for determining the use, operations or other thing to be lawful, and
- (d) specify the date of the application for the certificate.

(6) The lawfulness of any use, operations or other matter for which a certificate is in force under this section shall be conclusively presumed.

(7) A certificate under this section in respect of any use shall also have effect, for the purposes of the following enactments, as if it were a grant of planning permission—

- (a) section 3(3) of the M1 Caravan Sites and Control of Development Act 1960,
- (b) section 5(2) of the M2 Control of Pollution Act 1974, and
- (c) section 36(2)(a) of the M3 Environmental Protection Act 1990

The language is slightly awkward here as lawfulness is being used in two senses - (i) the lawfulness of the use and (ii) the lawfulness of the certificate. The lawfulness of the use is established by the grant of the certificate and section 150(6) above. I would regard the lawfulness of the certificate (or indeed permissions or licences issued by a local authority to be manifest.) If a third party wanted to contest such manifest lawfulness, the onus is on them to do so by way of a JR challenge (the deadline for such challenge having long since passed.)

I don't think there is any need for the client to demonstrate the lawfulness of the certificate. In any event, the issues mentioned by Mr Mackenzie (the certificate of lawfulness process did not involve an inspection of the property and that he did not have a right to object/appeal) are entirely consistent with the certificate of lawfulness process (and not mistakes made by ELC in the handling of this particular application.)

Peter.

Peter Ferguson
Partner
Planning & Environmental

Ext: 1052

Tel: 0141 227 9332

Mob: [0796 839 2642](tel:07968392642)

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Our Ref: 21/00090/CLU
Ask For: Caoilfhionn McMonagle
Tel: 0162082 7231
Your Ref:
Date: 16th June 2021

Mrs Elizabeth Jane Kitching
c/o Harper Macleod LLP
Per Peter Ferguson
The Ca'd'Oro
45 Gordon Street
Glasgow
G1 3PE

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997: SECTION 150

DECISION ON APPLICATION FOR CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

PROPOSAL: Certificate of lawfulness for an existing use - Use as short stay let accommodation

LOCATION: Flat 4 Tusculum Links Road North Berwick East Lothian

I refer to your application for a Certificate of Lawful Use or Development under the Town and Country Planning (Scotland) Act 1997: Section 150, reference no 21/00090/CLU.

I write to advise you that the Council has decided, on the basis of the facts presented in the application, to issue a Certificate of Lawful use for the use or development. The Certificate is attached to this letter.

Yours faithfully



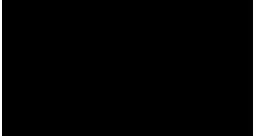
Keith Dingwall
Service Manager - Planning

If the applicant is aggrieved by the decision of the Planning Authority the applicant may, within three months from the date of this notice, appeal to the Scottish Ministers under Section 154 of the Town and Country Planning (Scotland) Act 1997. The appeal should be addressed to Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, Falkirk FK1 1XR. A copy of the notice of appeal must at the same time be sent to Development Management, East Lothian Council, John Muir House, Brewery Park, Haddington, East Lothian EH41 3HA.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 SECTION 150

Certificate of Lawful Use of Existing Use or Development

The East Lothian Council **hereby certify** that on **11th May 2021** the use/operation/development described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and coloured red on the plan attached to this certificate, was lawful within the meaning of Section 150 of the Town and Country Planning (Scotland) Act 1997 for the following reason(s) set out in the attached report.

Signed  (Council's proper officer)

On behalf of East Lothian Council

11th May 2021

Date

First Schedule **Certificate of lawfulness for an existing use - Use as short stay
let accommodation**

Second Schedule **Flat 4 Tusculum
Links Road
North Berwick
East Lothian**

Notes

1. This certificate is issued solely for the purpose of Section 150 of the Town and Country Planning (Scotland) Act 1997
2. It certifies that the use/operation/development described in the First Schedule taking place on the land specified in the Second Schedule was lawful, on the specified date and, thus, would not have been liable to enforcement action under section 127 of the 1997 Act on that date.
3. This certificate applies only to the extent of the use/operation/development described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use/operation/development which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

Dear Neighbours,

Re: Flat 4, 3 Links Road, North Berwick

I am writing to inform you of a change in the arrangements for communicating with me about guests who are staying at the above property. I hope to be able to improve relations with you when you follow the simple procedure which I am now implementing.

I am aware that I have a duty to ensure that guests staying at the property do not cause any unlawful nuisance and I will continue to observe this duty. The threshold which must be crossed, before behaviour can constitute an unlawful nuisance, is much higher than mere annoyance, irritation, frustration or inconvenience on the part of neighbours. Serious, continual, intolerable and avoidable interference with the use of your property must be demonstrated.

I have received complaints about the sound of footfalls emanating from my flat, the sounds of families coming and going to the flat and sand from the beach falling off children's feet on to the stairs. None of these things can constitute an unlawful nuisance nor can they found any reasonable complaint. The accumulation of these trivial, unreasonable complaints, made directly to me, particularly when combined with gratuitous and malicious slurs on my family, amounts to a course of harassment which I am no longer prepared to tolerate.

In future, any complaints which you may choose to raise about guests who are using the property must be made directly to my letting agent, Torquil McInroy on his email

account: [REDACTED]. Your complaint will be logged, evaluated and addressed by him with my full authority.

A record will be kept of the nature of the complaints and how they are resolved. With this dedicated conduit now available to you, it follows that there can be no reasonable justification for you to continue to communicate with me directly about any such matters in the future and I request that you refrain from so doing.

Similarly, there can be no reasonable justification for you to approach any of my guests directly, in order to remonstrate with them or their children, to berate or to upset them in any manner whatsoever, in such a way as to ensure that they never return to the flat for another holiday, thus indirectly causing me further harassment.

I sincerely hope that this new arrangement will prove to be mutually beneficial, and you may be assured that I will monitor its operation closely.

Dear Jane,

Thank you for your latest email where you attempt to improve your currently poor relationship with the residents of Tusculum and provide the email address for Torquil..

I have consulted with my fellow residents and our initial reaction is one of disappointment as we have seldom read such a piece of patronising and self-righteous nonsense.

From the outset, Flat4 has been used as a holiday let on the basis of deceit. Initially with your mother who dishonestly claimed that the flat was only being used by friends and family and then by yourself by illegally running the business without the necessary Planning Consent.

You subsequently formalised the situation via a Certificate of Lawfulness which contained several aspects which were contentious. Unfortunately, and curiously, there is no appeal process or requirement for corroboration or consultation with neighbours so it seems that you have bypassed the planning process which would have consulted with, and respected, the opinion of neighbours. This demonstrates the typical lack of consideration and respect which you have for the other residents of Tusculum who are unanimous in their opposition to holiday lets in Flat 4.

In the latter part of your missive you suggest that all complaints about the holidaymakers should be directed through Torquil. So, for example, if, as we had, a group of drunken and disorderly golfers, yelling their heads off after midnight, we should drop a email to Torquil asking him to remedy the situation at his earliest convenience.....what nonsense!

You are in no position to dictate when and how the Tusculum residents intervene with the temporary occupants of Flat 4. You can however, rest assured that your "guests" will be treated no differently to any other neighbour in Tusculum without any particular harassment.

Your draconian instructions with phrases such as "*follow the simple procedures*", "*I am no longer prepared to tolerate*", "*complaints...must be made directly to my letting agent*", "*there can be no reasonable justification for you to continue to communicate with me directly...or for you to approach my guests directly*" may well cause a deterioration in your already troubled relationship with the Tusculum residents. You don't seem to appreciate the vast difference between a polite request and an autocratic instruction.

What this amounts to, is that the Tusculum residents are being asked to tolerate all the hassle of holiday lets in Flat 4 whereas you are making every effort to distance yourself from the realities of the situation.

Far from improving relations with Tusculum residents your latest authoritarian email has generated greater antagonism to you and your business. Be assured that will continue to be in contact with you when we think it is appropriate as we are in the best position to assess what constitutes a nuisance to the residents of Tusculum.

Regards

Hugh

Additional notes:

- (1) From Kathy Fairweather: Every year, including this year, the flat is let to scaffolders who are erecting stands for golf competitions. They leave the door on the outside stair open, dump beer cans in whatever wheelie bins they can find, smoke outside my kitchen window and tramp sand and grit up the stairs. We have always been told that the flat is let to holidaymakers and Janes communication only refers to holiday makers. Perhaps we could ask Torquil not to let it to workmen. Jan Wood from the top flat asked who cleans the stairs

and I asked the cleaning lady about that. She cleans the York Road entrance and the Links Road entrance and the inside of the lift. Sweeping down or mopping the stairs would have to be agreed and paid for by the only 2 properties that use the stair.

(2) There are other general complaints about:

Noise, Refuse Disposal. Shouting in the stairwell, inconsiderate Car Parking, misuse of the lift, Litter etc. These are matters which can be resolved with neighbours but with the multi-stage process which you propose, it would all be too late.

From: [REDACTED]
To: [Crichton, Rebecca](#)
Subject: Personal Statement for licensing Sub Committee Tusculum
Date: 11 April 2024 16:49:52

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.

PERSONAL STATEMENT OF JANE KITCHING

My name is Jane Kitching I have a degree in Microbiology and worked for several years in the NHS before taking an art degree and now a full time artist. I exhibit in several galleries of which three are in Scotland, namely Greens and Blues in North Berwick, The Torrance Gallery, Dundas Street, Edinburgh and MacGregor Fine Art, Glasgow.

My parents were missionaries, my father is a clergyman in the Church of England, one of his livings was a retirement post for several years on the Isle of Bute for the Church of Scotland. My mother was a mathematician and teacher. They bought the family flat in Tusculum North Berwick in 1990 for use for the family, their four children and several grandchildren .

In 2000 I and my husband, also a clergyman, bought into the family flat as we thought we would retire there. Unfortunately my husband who had Cystic Fibrosis died at the age of 56 and it became no longer an option to move up to Scotland. The flat at Tusculum remains a family asset and generates a modest supplementary income. Our ties with Scotland are decades long and my siblings and I still love coming to stay in the flat.

Sent from [Mail](#) for Windows

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

2c

Fill in if you are applying as an individual:

Your full name Alexander Duncan Cleland

Date of birth [REDACTED]

Place of birth [REDACTED]

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)
[REDACTED]	[REDACTED]	05/2020	Present
[REDACTED]	[REDACTED]	06/1991	05/2020

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 Mrs Caroline Currie

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)
North Berwick Holiday Homes Ltd, 129 High Street, North Berwick	EH39 4HB	2007	Present

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.
CHARLES ROBERT CLELAND	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
		[REDACTED]		

Individuals, please go to Part 2.

Corporate entities

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

Corporate entity name _____

Limited company number (if applicable) _____

First name and surname _____

Registered or principal office address _____

Tel. No. _____ Email address _____

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

Full name	Personal address	Place of birth	Date of birth

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

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

PART 2: APPLICATION AND LICENCE TYPE

(to be completed by all applicants)

Please select the application type:

- First application (existing operator*)
- First application (new operator)
- New application (where property has been used as licensed STL previously)
- Renewal
- Change to existing licence

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

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

Existing licence number _____

Existing licence expiry date _____

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

Previous licence number _____

Previous licence expiry date _____

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

- Home sharing
- Home letting
- Home sharing & home letting
- Secondary letting

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

Yes No N/A

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

PART 3: PREMISES DETAILS

Premises Address 10 Cromwell Road, North Berwick

Postcode EH39 4LZ

Unique Property Reference Number (if known) _____

EPC Rating* D

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

Please select the type of premises:

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

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

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

Specify the number of rooms within the premises used as:

Bedrooms Three Bed/Sitting rooms None

Bathrooms Two Kitchens One

Lounges One

Other (please specify) One Dining Room, One Sun Room, One WC

Specify the maximum number of guests Six
(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
None				

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: 21/6/2024
Electrical Installation Condition Report	Valid to: 31/8/2028
Portable Appliance Testing Report	Valid to: 03/7/2024
Fire Risk Assessment	X
Fire Service Safety Checklist	X
Legionella Risk Assessment	X
Planning permission (for premises within a control area or where requested by the licensing authority)	Planning application reference number: 23/00805/CLU
Floor plan	X
EPC Certificate (for premises which are dwellinghouses)	Valid to: 19/6/2033
Public Liability Insurance	Valid to: 29/4/2024
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)	X

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

My premises (please tick to confirm (or enter N/A)	
Meets current statutory guidance for provision of fire, smoke and heat detection	X
Meets statutory guidance for carbon monoxide alarms	X
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)	X

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 Alexander Cleland

Date 28/9/23

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

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

CERTIFICATE OF COMPLIANCE

SHORT-TERM LETS LICENCE – CONFIRMATION OF DISPLAY OF PUBLIC NOTICE


Confirmation Of Display Of Notice

This section must be completed by the applicant and the whole notice returned to the East Lothian Council, Licensing, John Muir House, HADDINGTON, EH41 3HA or licensing@eastlothian.gov.uk at the end of the 21-day display period.

I (Full name of applicant) Alexander Duncan Cleland

Certify that the notice of application has been displayed as prescribed above for a period of not less than 21 days

From 29 September 2023 ending on 21 October 2023

Applicant's signature 

Date 23 October 2023

Consultation responses

Antisocial Behaviour team – No objection (15.01.24)

Parking team – No objection (11.01.24)

Planning Authority – Certificate of Lawfulness or Development (CLUD) granted 21 September 2023
(16.01.24)

Environmental Services – No return

Police Scotland – No objection (12.01.24)

SFRS – No return

Rafferty, Alison (Licensing)

From: Licensing
Sent: 20 October 2023 07:00
To: Short Term Lets
Subject: FW: Objection to application for short term lets licence at 10 Cromwell Road, North Berwick - PHOTOS
Attachments: photo 1 - short-term let appl at 10 Cromwell Rd.jpg; photo 2 - short-term let appl at 10 Cromwell Rd.PNG

From: Lucinda Mason Brown [REDACTED]
Sent: 20 October 2023 00:10
To: Licensing <licensing@eastlothian.gov.uk>
Subject: Objection to application for short-term lets licence at 10 Cromwell Road, North Berwick - PHOTOS

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,

Re. Public Notice of Application for Short-Term Lets Licence at 10 Cromwell Road, North Berwick, EH39 4LZ - PHOTOS

Thank you for confirming receipt of our email below. When writing we understood we only had 24 hours to object. In support of our email I now attach two photographs which make it easier to understand the proximity between the two properties. The first shows our neighbours' two sets of windows that immediately overlook the outside space where we sit and eat. The second shows the trellis fence between our back gardens that as you can see provides no privacy.

Yours faithfully,

Lucinda Mason Brown

----- Forwarded message -----

From: Lucinda Mason Brown [REDACTED]
To: licensing@eastlothian.gov.uk <licensing@eastlothian.gov.uk>
Sent: Saturday, 30 September 2023 at 21:22:54 BST
Subject: Objection to application for short-term lets licence at 10 Cromwell Road, North Berwick

Dear Sir/Madam,

Re. Public Notice of Application for Short-Term Lets Licence at 10 Cromwell Road, North Berwick, EH39 4LZ

I am writing on behalf of my mother who lives at [REDACTED] which is upstairs from 10 Cromwell Road. Both are flats and part of a house which was built in 1891 then converted into flats in 1951.

We object to this application on the grounds of privacy and security (having strangers in our shared space) and noise.

Please note that on the attached image of the public notice it is listed as 'Borth Berwick'. This notice went up on our neighbours, the Clelands', front gate last night thus giving only today for there to be any response before the deadline. However, other similar notices around the town have been up for some time and include 'the notice must be displayed for a period of 21 days from the date the application was lodged with the Licensing Authority'. I also note that there is no postal or email address on our neighbours' notice at which to lodge any representation so I am grateful that other properties have included your email address as well as a postal address. I believe this notice was posted yesterday just after I locked up the front door for the night, which the neighbours would have heard me doing, as I then heard activity out at their front gate.

I am dismayed that they didn't mention the licence to my mother, particularly as she has been in regular contact with them regarding their shared roof. They rarely stay in their flat but have been here since Thursday evening and in fact came up to our flat to inspect and discuss the roof yesterday so had ample opportunity to mention their short-term let application.

My mother (and previously her mother) have lived at [REDACTED] on a permanent ongoing basis since 1966. The Clelands downstairs have been letting out their property for a number of years now. My mother is concerned about the negative impact this is having on both her living upstairs and on the surrounding area.

When lets do take place downstairs during the holiday season, this causes various concerns. Again, there is the issue of security. Each flat has its own front garden but we share a side gate accessing a shared path down to the back gardens which goes past our back door. On entering via the side gate, the path goes along the edge of our front garden with direct access to it, which also raises issues of privacy. Two of our neighbours' bedrooms look out into our front garden where we sit which feels very uncomfortable when we don't know who is staying and when and raises further privacy concerns.

The neighbours took down their rear fence which runs between the shared side path and their back garden. My mother's back garden is accessed by the shared path, beyond their back garden. The shared path also takes both properties down to the golf course. This further weakens security. My mother doesn't know who is staying and when on short-term let and we have to rely on them keeping the back gate locked and the front side gate closed, particularly as both my sister and I have small children who could go out onto Cromwell Road when gates are left open. This means that every time we use our garden we have to be extra vigilant and also don't have any privacy when going to and from both gardens. The fence which goes between our two properties at the back (running perpendicular to the shared path), was replaced by the neighbours and is partly transparent so, again, when in our back garden, we are overlooked by the downstairs flat.

There is also the issue of noise. Of course a certain amount is expected, particularly in this type of shared older property where you can clearly hear talking and people on the telephone in the flat below. The short-term lets downstairs have been noisy from early in the morning through to the early hours. One particularly exuberant party was still being noisy at 3.00am this summer. The kitchen/dining room which is the main living area is immediately below my bedroom. Again, the unpredictability of when it will be noisy is very disruptive.

An increasing number of properties on Cromwell Road are holiday lets. The road feels very different to when my sister and I were growing up when the majority of the properties had ongoing residents with younger families. This shift is a concern for my mother as she gets older, particularly since the death of my father last year. It feels isolated and there is the concern of security with so many unoccupied properties for much of the year, not to mention the lack of ongoing warmth to property fabrics. It also brings disruption to my mother who, over the years, has had short-term residents for downstairs ringing the doorbell or approaching her in her private garden with queries to do with the property, which is a concern as she gets older and has to go downstairs to answer the door.

Overall, we do not feel it to be appropriate for 10 Cromwell Road to be run as a short-term let, both in its knock-on effect to immediate neighbours and the adverse impact it has on the the road as a whole and the wider community.

Yours faithfully,

Lucinda Mason Brown
Daughter of Jennifer Mason Brown at [REDACTED]

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

PUBLIC NOTICE OF APPLICATION FOR SHORT-TERM LETS LICENCE

New application

Renewal

Applicant name: Alexander Duncan Cleland

Applicant's address: Flat 1, Cairney House, Newcastle upon Tyne

Postcode: NE2 1JU

Has applied to East Lothian Council for a Short-term lets licence.

Short term let premises address (if different from applicant's address)

10 Cromwell Road, Borth Berwick

Postcode: EH39 4LZ

Type of license applied for

Home sharing

Home letting

Home sharing and home letting

Secondary letting

Day-to-day manager / agent details (if different from applicant)

Name: Mrs Caroline Currie

Address: North Berwick Holiday Homes Ltd, 129 High Street, North Berwick

Postcode: EH39 4HB





This photo shows the v
rear view.

Dear Committee

Thank you for sending the letter of objection of 30.9.2023 which we only received last week.

We are perplexed at the grounds of the objection.

APPLICATION.

Ms Mason Brown's comments on the application are misplaced.

This application, as required by new regulations last year, formalises the letting of 10 Cromwell which has been ongoing since 2007 approaching 17 years.

The application for the STL was made following the granting of a Certificate of Lawfulness on 21.9.2023.

As soon as we heard from our agent that the STL application had been lodged on 29.9.2023 we posted the site notice in accordance with requirements. It was posted on our front gate for the required period of 21 days.

HOUSE SET UP

The house as stated by Ms Mason Brown was converted in the 1950's.

We have the ground floor at no 10; Mrs Mason Brown the upper 2 floors at no 12.

The back garden is divided into two. We own the garden area immediately outside our apartment. The Mason Browns the far end of the garden.

Both apartments have separate gates to access the separate front gardens and separate front doors.

Both apartments have separate back doors.

Access to our house is almost always via our separate front garden and front door.

The back door is used to access garden sheds and the side path to take out the garden bin and access the gate to the golf course. Other bins and waste recycling are kept in our front garden when guests are staying.

Access to our garden is directly via our garden room or sitting room doors.

Many of our guests have been coming for years and include retired couples from America and another couple who live in Scotland. Their bookings made up 5 weeks of the 9 weeks that were let last year. Dr Mason Brown used to call in and visit our American guests and lend them books.

Other guests are couples and families. There was only 1 week last year when children were staying.

We let for between 2-3 months a year and do not let for less than 1 week and never at Christmas and New Year for concern of parties.

North Berwick Holiday Homes (NBHH) manages the property for us and have done for 17 years. They are the pre-eminent local business and have an office on North Berwick high street with full time staff and are available 24/7 with an emergency out of hours phone which is checked every hour.

We are very particular about the guests we allow and NBHH are aware of our desire to have quiet, respectful and responsible guests and vet who is coming at our request. We have always found our guests to be respectful of the house and aware of neighbours.

NBHH have never had any objection or complaint from the Mason Browns in the past 17 years except when a bathroom extractor fan was left on unwittingly.

Objection is raised on the grounds of privacy, security and noise.

Privacy.

Each apartment has a separate front garden/ separate front door and separate back door and rear garden.

We share **NO** common area except a path at the side of the house that leads from Cromwell Road to a gate to the golf course.

As the Mason Browns flat is on the first floor, it is not possible for us or anyone staying at 10 Cromwell Road to look into their flat.

There are therefore no privacy concerns with tenants staying at the property being able to see them in their home.

As Ms Mason Brown has commented in her letter, when entering / exiting their property and when sitting in their front garden we can see their front garden. However the Mason Browns can look into our bedrooms. The bedrooms have window coverings to obscure any view. This arrangement of the conversion also encroaches on our privacy but this is part of the nature of the conversion of the house.

In 2014 (10 years ago) we removed an unsightly leylandii hedge (not a fence) adjacent to the side path and our back garden. Dr & Mrs Mason Brown told us they were pleased with the removal of this hedge and it has enabled us to plant lavenders and other flowers and shrubs improving the outlook.

In 2020 we told that the Mason Browns that we planned to remove the hedge that separated the 2 back gardens. It was unsightly and full of weeds.

Dr Mason Brown wrote as follows:

“As you say the hedge is past its best and there is of course no problem if you wish to remove your hedge. The new fence replaces the original wooden boundary fence, as marked on our plans, and both properties are responsible for maintaining this and we should share the costs of replacement.”

We did in fact pay for the full cost of removing the hedge, erecting the new steel fence (we were advised because of wind issues it should not be a solid fence) and its installation. In addition we paid for the installation of bamboo screening. We have planted roses and shrubs up against the fence. This has improved the garden and the outlook greatly and obscures the Mason Browns garden.

We would have no objection to the Mason Brown's constructing a fence within their garden , front and back, if this would make them more comfortable.

We can see people going down the side path but the Mason Browns can also see into our garden/ rooms and patio from the path and also directly into our garden from their windows above.

We would respectfully suggest that it is our privacy that is more affected but again accept that this is in the nature of the conversion.

In doing this work to the garden we have tried hard to improve our garden so that it offers a pleasanter outlook.

Whilst accepting that we are not there frequently we have been to the property on a number of occasions in the last year and can say that we have not seen any member of the Mason Brown Family sitting or eating in the front garden or indeed in the back garden. The last time we saw them in the garden was in July 2023 when we were also in the garden with family.

SECURITY

This has never been raised with us before. We both have separate and secure front and back doors which are not shared.

As far as we are aware there have been no incidences of incursions into the front area of the house from the gate onto the road or from the gate that leads to the golf course.

We offered some years ago to pay for and arrange for a keypad to be installed on the gate leading to the golf course (as most other gates have) to ensure it is always locked but the offer was declined by the Mason Browns. That offer remains.

NOISE

The house is a conversion and as is the case of conversions there is unavoidable noise transmission between floors.

It is not possible for people not to talk/watch TV/ talk on the telephone ie normal living activities. If there was shouting or loud music from guests this would be unacceptable but we do not believe that this is the case.

NBHH have never had a complaint of noise in 17 years with the exception of the extractor fan in the bathroom.

The Mason Browns told us on 3.9.2023 that there was noise from our apartment at 3am on 1 occasion last summer. We responded on 4.9.2023 by email: *"It is unacceptable to have noise at 3am and I would ask Jennifer to tell us what the noise was - music/shouting/ loud voices and when so that we can speak to North Berwick Holiday Homes."* We had no reply.

The Mason Browns are aware that if they have any concerns they should contact NBHH who are always available and are surprised that this issue of noise at 3.30am was not reported.

IN SUMMARY

Privacy

We share NO common area apart from a side path from Cromwell Road to the golf course.

It is in the nature of the conversion that we can look into the front garden of No [REDACTED] and they can look into the 2 bedrooms at No 10. This cannot be avoided.

We accept we can see people walking down the side path but also that the Mason Browns can look into our ground floor rooms and directly on to our garden from the path and their upper windows.

We cannot look into any of their rooms.

The Mason Browns back garden is obscured by a fence, bamboo screening and growing shrubs which preserves their privacy and ours.

SECURITY

We have separate front and back doors.

In the last 17 years we know of no security issue that has arisen or been reported to us or NBHH.

NOISE

It is in the nature of the conversion that there is transmission of noise between floors; this is unavoidable.

There never been a complaint of noise from the Mason Browns apart from a bathroom extractor fan and the complaint of noise last year at 3.30am which we agree is unacceptable.

As stated above we asked for more details so that we could raise this with NBHH, but have had no reply. Any such issues should be reported to NBHH immediately.

CONCLUSION

We know how lucky we are to enjoy No 10 Cromwell Road and we know that our guests value their stays as demonstrated by the number of repeat guests we have; some visiting over many years and calling it their 'home from home'.

We hope we can continue to share that enjoyment with people who love North Berwick and appreciate staying at No 10 Cromwell Road.

We attach some photos of the front and back garden which may be helpful.

On behalf of A Cleland
10.4.2024

From: [REDACTED]
Subject: Re: Online meeting of the Licensing Sub-Committee, 18 April at 2.00pm
Date: 10 April 2024 19:10:15
Attachments: [Response to letter of objection. 10 Cromwell Rd.docx](#)

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

We attach our letter of response to the objection.

We also attach some photos which we hope will be helpful.



Kind regards

Helen Cleland

Side path adjacent to garden of no 10.



Garden at No 10 with fence that obscures garden at no 12.



Fence with bamboo screening to obscure garden at no 12



View from side path towards 10 Cromwell Rd



Private front garden of 10 Cromwell dividing fence visible on left





129 High Street,
North Berwick, EH39 4HB

Tel : 01620 893204

www.northberwickholidayhomes.co.uk

Becky Crichton, the Committees Officer
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA

rcrichton@eastlothian.gov.uk

10 April 2024

Dear Madam

Management and Marketing of 10 Cromwell Road North Berwick EH39 4LZ (Moresby)
as a Short Term Holiday Let <https://www.northberwickholidayhomes.co.uk/property/moresby>

This letter confirms that North Berwick Holiday Homes has been managing and marketing
the above property as a Holiday Let since 05/07/2007

Moresby was first listed under www.nbflats.co.uk, which was acquired by Barry Chapman
and Janice Reid in April 2005. The business was later rebranded
as www.northberwickholidayhomes.co.uk and incorporated as North Berwick Holiday Homes
Limited (NBHH).

My late husband, Graham Currie and I acquired NBHH in 2016. Although I have been the owner
of the business since 2016, I was employed by the business from 2007.

I have direct knowledge about 10 Cromwell Road going back well over 10 years and was

aware from 2007 onwards that it was used as a holiday let continuously. Indeed, I was aware that it was one of the early properties managed professionally by the NBHH business and has been one of its most popular holiday rentals.

We have had no complaints other than for an extractor fan in 2020. This was on a separate switch to the light in the bathroom and was rewired by an electrician so that the fan went off with the light which resolved the issue.

Because 10 Cromwell Rd is one of our premier properties, we do vet guests before confirming bookings with new holidaymakers, but over 50% of Moresby guests are returning year after year. The owners take a great interest in who rents their property.

10 Cromwell Rd is also one of the few properties that is suitable for the elderly and infirm with its wider doorways and one-level access. The house is maintained to a high standard and always has been. Small maintenance issues are resolved timeously with our in-house maintenance contractor or by the owners.

10 Cromwell Rd is only advertised with us and the key collection is from our shop front on NB High Street, we have been established here since 2003. We are available 24/7 for any issues and we are the longest-established agent in North Berwick.

As to the length and intensity of use, I can confirm from 2007 onwards that:

Almost all rentals are between 7 and 28 days.

Many guests are repeat visitors who have been coming regularly from near and far for many years.

Occupancy levels have been consistent since 2007, with the summer months particularly busy. We do not allow stag or hen parties.

In conclusion, as owner of NBHH North Berwick's premier holiday home agency. 10 Cromwell Road has been used continuously as a holiday let from 2007 onwards.

I would be happy to answer any questions you may have, please feel free to call me on the number below if you need more proof. I can also put you in touch with the previous owners of the business if needed.

Caroline Currie

Caroline Currie

Director

T: 01620 893204

E: carolinecurrie@nbholidayhomes.co.uk

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:

2d

Your full name Teresa Bastiman-Davies

Date of birth [REDACTED]

Place of birth [REDACTED]

Home Address [REDACTED]
[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)
[REDACTED]	[REDACTED]	08/2009	Current
[REDACTED]	[REDACTED]	06/2011	Current

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 Laszlo Scheffer

Date of birth [REDACTED]

Tel. No. [REDACTED] Email address info@sclean.co.uk

Addresses (last 5 years)	Postcode	Date from (mm/yy)	Date to (mm/yy)
17 Crewe Place, Edinburgh	EH5 2LR	09/2017	Current

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

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

select the type of premises:

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

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

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

Specify the number of rooms within the premises used as:

Bedrooms 3 Bed/Sitting rooms N/A

Bathrooms 2 Kitchens 1

Lounges 1

Other (please specify) N/A

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:

NONE

NAME	DATE	COURT	OFFENCE	SENTENCE

PART 5: APPLICATION CHECKLIST

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

I have enclosed the following (please tick to confirm (or enter N/A))	
Correct application fee	£390, Receipt Enclosed #1
Annual gas certificate (for premises with a gas supply)	Valid to: 05/02/2024 Enclosed #2
Electrical Installation Condition Report	Valid to: 28/09/2029 Enclosed #3
Portable Appliance Testing Report	Valid to: 28/09/2024 Enclosed #4
Fire Risk Assessment	Enclosed #5
Fire Service Safety Checklist	Enclosed #6

Legionella Risk Assessment	Enclosed #7
Planning permission (for premises within a control area or where requested by the licensing authority)	Planning application reference no: 23/00743/CLU Enclosed proof #8
Floor plan	Enclosed #9
EPC Certificate (for premises which are dwellinghouses)	Enclosed #10
Public Liability Insurance	Valid to: 30/01/2024 Enclosed #11
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)	TripAdvisor Listing showing the property was hosted on their platform since March 2012, with 1 of 3 pages of reviews from guests staying 2017-2022 Enclosed #12

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

Applied for planning permission (if required).	Yes – in progress
Noted the requirement to display my licence number and EPC rating on listings for my premises	Yes
Proof that furniture and furnishings/the furniture and furnishings guests have access to, comply with fire safety regulations	Yes
Read and understood the mandatory conditions that will apply to my licence	Yes
Read and understood the additional conditions that will apply to my licence	Yes
My premises (please tick to confirm (or enter N/A))	
Meets current statutory guidance for provision of fire, smoke and heat detection	Yes
Meets statutory guidance for carbon monoxide alarms	Yes
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)	Yes

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

TA BASTIMAN-DAVIES

Date

29/09/2023

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

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

CERTIFICATE OF COMPLIANCE

SHORT-TERM LETS LICENCE – CONFIRMATION OF
DISPLAY OF PUBLIC NOTICE

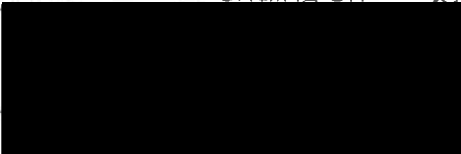
Confirmation Of Display Of Notice

This section must be completed by the applicant and the whole notice returned to the East Lothian Council, Licensing, John Muir House, HADDINGTON, EH41 3HA or licensing@eastlothian.gov.uk at the end of the 21-day display period.

I (Full name of applicant) TERESA BASTIMAN-DAVIES

Certify that the notice of application has been displayed as prescribed above for a period of not less than 21 days

From 02/10/2023 ending on 30/10/2023

Applicant's signature 

Date 30/10/2023

Consultation responses

Police Scotland – no objection

Parking team – no objection

Antisocial Behaviour team – no objection

Planning Authority – Certificate of Lawfulness or Development (CLUD) granted 17 November 2023

STEWART HUNTER

[REDACTED]

East Lothian Council
Licensing

10 OCT 2023

Received

06/10/2023

MOIS :

[REDACTED]

(30/09/23)

SUBJECT : APPLICATION FOR S.T.L. @ 139/4 NEW STREET

MUSSELBURGH LEH 21. 6 DH. BY: TERESA
BASTINAN - DAVIES

DEAR SIR,

I WISH TO OBJECT TO THIS APPLICATION

ON THE FOLLOWING BASIS.

1. NOISE NUISANCE AND DISRUPTION TO OTHER RESIDENTS IN THE STAIR
2. LOSS OF SECURED ENTRY SYSTEM PREVIOUSLY ENJOYED BY RESIDENTS IN THE STAIR.

Yours sincerely,

[REDACTED]

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:

Title _____

Your full name ELIZABETH JANE WHARTON

Date of birth [REDACTED]

Place of birth [REDACTED]

Home Address [REDACTED]

[REDACTED]

Postcode [REDACTED]

Tel. No. [REDACTED]

Email address [REDACTED]

2e

E.L.C Customer Services
31 JAN 2024
RECEIVED

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)
[REDACTED]	[REDACTED]	08/96	TO DATE

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).

Trading Name and Nominated Individual _____

Address _____

_____ Postcode _____

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.
DAVID B WHARTON				

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

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

PART 2: PREMISES DETAILS

Where you have a single premises with multiple accommodation units, please complete the Premises Details Supplementary form.

Premises Address 4-5 NEWTONLEES COTTAGE, DUNBAR

Postcode EH42 1QL

Unique Property Reference Number (if known) _____

EPC Rating* N/A

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

Please select the type of premises:

- | | | | |
|------------------------------|-------------------------------------|---------------------|--------------------------|
| Detached House | <input type="checkbox"/> | Semi-detached house | <input type="checkbox"/> |
| Terraced House | <input checked="" 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 → AVAILABLE ON REQUEST.
B&B HAVE REGISTERED
WITH EHS
- Guest house Other form of home sharing
- Home letting

Specify the number of rooms within the premises used as:

Bedrooms 4 → 1 for guests only ~~Bed~~/Sitting rooms 1 for guests only

Bathrooms 2 → 1 for guests only Kitchens 2 → 1 for guests only

Lounges 1 → for owners only

Other (please specify) _____

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

Specify the number of off-street car parking spaces available 2

PART 3: APPLICATION AND LICENCE TYPE

(to be completed by all applicants)

Please select the application type:

- First application (new operator)
- New application (where property has been used as licensed STL previously)
- Renewal
- Change to existing licence

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 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 occupancy).

PART 4: CONVICTIONS

Has anybody named on the application been convicted of any offence? Please include details of any unspent convictions in the table below: **NO**

NAME	DATE	COURT	OFFENCE	SENTENCE

PART 5: APPLICATION CHECKLIST

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

I have enclosed the following (please tick to confirm (or enter N/A))		
①	Correct application fee	✓ See East Lothian Council website – Civic Licence Fees
	Annual gas certificate (for premises with a gas supply)	Valid to: ___ / ___ / <u>N/A</u>
②	Electrical Installation Condition Report	✓ Valid to: <u>30</u> / <u>11</u> / <u>2028</u>
③	Portable Appliance Testing Report	✓ Valid to: <u>25</u> / <u>01</u> / <u>2025</u>
④	Fire Risk Assessment	✓
⑤	Fire Service Safety Checklist	✓
⑥	Legionella Risk Assessment	✓
	Planning permission (for premises within a control area or where requested by the licensing authority)	Planning application reference number: <u>N/A</u>
⑦	Floor plan	✓
	EPC Certificate (for premises which are dwellinghouses)	Valid to: <u>N/A</u> / ___ / ___
⑧	Public Liability Insurance	✓ Valid to: <u>31</u> / <u>01</u> / <u>2025</u>
	Proof of consent from owner (if applicable)	<u>N/A</u>

I have: (please tick to confirm (or enter N/A))	
Identified the owners and those involved in the day-to-day management of my premises	✓
Ensured that to the best of my knowledge all those named on my application are fit and proper persons	✓
Prepared information that will be available to guests at the premises including: (a) a certified copy of the licence and the licence conditions, (b) fire, gas and electrical safety information, (c) details of how to summon the assistance of emergency services, (d) a copy of the gas safety report, (e) a copy of the Electrical Installation Condition Report, and (f) a copy of the Portable Appliance Testing Report.	 ✓ ✓ ✓ N/A ✓ ✓
Applied for planning permission (if required).	N/A
Noted the requirement to display my licence number and EPC rating on listings for my premises	✓
Proof that furniture and furnishings/the furniture and furnishings guests have access to, comply with fire safety regulations	✓
Read and understood the mandatory conditions that will apply to my licence	✓
Read and understood the additional conditions that will apply to my licence	✓

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

PART 6: DECLARATION

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

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

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

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

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

Signed _____



Print name _____

ELIZABETH J WHARTON

Date _____

31/1/24

DATA PROTECTION ACT 2018

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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.

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Further information can be obtained from:

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

Consultee responses

Police Scotland – no objections

ELC ASB team – No objections

Planning – No objections

ELC Parking:

I object to this application on the grounds that the carriageway outside the property is narrow and there is no visitor parking in the vicinity given the houses are terraced.

I have copied in Transport Planning as this may come across their desk as a planning application.

Liz Wharton Rowan Cottage, 4-5 Newtonlees, Dunbar, EH42 1QL
Licensing Sub-Committee meeting – Application for Short Term Let Licence on
Thursday 18th April 2024

I would like to submit this report in advance of the meeting for your consideration. An objection has been submitted on the grounds that the carriageway outside the property is narrow and there is no visitor parking in the vicinity.

In 2006, 4-5 Newtonlees, with full planning permission from the council, was the result of combining two small cottages. When No5 was occupied separately, there were always two cars parked outside. Please see **Photo A** below. From the outside 4-5 Newtonlees looks like two separate properties. The brown door behind the blue Volvo is the main entrance to our family home. The white door to the centre of the photo also serves as a front door, which would be used by guests. Inside the property it is all one house.

Photo A



4-5 Newtonlees has four parking spaces (2 from No4 and two from what was No5)
Photo B Shows our two cars parked outside half the property.

Photo B



Photo C Shows two parking spaces available for guests outside the other half of the property.

Photo C



Please see **Photo D** The four residents in our small area pay for the upkeep of the road outside of our houses so that it looks well-kept, and people can drive comfortably. Despite the opinion that the road is narrow, we accommodate Supermarket delivery vans, Amazon and DPD trucks, Coal, Gas and Oil deliveries, large horse boxes, builders' vans, Scottish water tanker, Ambulance, Fire Brigade etc. In the near 28 years we have lived here, we have never had our cars scratched or wing mirrors knocked off. Although I am perfectly capable of reversing, I usually 3-point turn my car, with ease.

Photo D



Our Licence application is for two people only so we would anticipate most guests coming with one car. We would make the road situation clear in our advertising.

I hope this explanation alleviates any concerns you may have, and I would be happy to answer any questions at the online meeting on 18th April.

Liz Wharton

REPORT TO: Licensing Sub-Committee

MEETING DATE: 18 April 2024

BY: Executive Director for Council Resources

SUBJECT: Civic Government Licensing Fee Review

3

1 PURPOSE

- 1.1 To inform Members of the results of the independent review of the Civic Government licensing fees.
- 1.2 To seek direction from Members of the Committee as to the preferred charging model and level of Civic Government Licensing Fees as set out in this report, with the resulting decision being taken to Cabinet for final approval.

2 RECOMMENDATIONS

- 2.1 Licensing Sub-Committee sets out the preferred fee model for the proposed fees for the licences as set out in Option 1 and Option 2;

3 BACKGROUND

- 3.1 In terms of the Civic Government (Scotland) Act 1982, the Council is required to set licence fee levels such that the costs of running the licensing service are fully covered by the level of fee income received.
- 3.2 The previous review of costs and fees was undertaken circa five years ago so it is now considered necessary to review the fees for licences to ensure these remain at an appropriate level. Given the legal obligation to ensure cost recovery, a robust and documented methodology has been applied to ensure accuracy and transparency in relation to the calculation of licence fees.
- 3.3 The fees for 2023/24 were frozen to allow this review to be undertaken and Arneil Johnston were commissioned in April 2023 to conduct a review of the discretionary licensing fees, noting that statutory licences, including alcohol and gambling were out of scope for this review as these fees are set by the Scottish Government and these regimes are administered by the East Lothian Licensing

Board, rather than the Council (these statutory licensing fees are set out in for information only at Appendix B).

- 3.4 The first part of the review was to carry out a benchmarking exercise for discretionary licensing fees. Arneil Johnston researched all Scottish local authorities to establish the types of licensing fees that are in place, fee levels and duration of licences. These were then compared to ELC's fee levels, and a summary of the findings is shown in Appendix A of this report.
- 3.5 The review then sought to establish the costs associated with the delivery of the licencing service. Costs were determined by:
- Reviewing detailed budgets for the Licensing service for 2021/22, 2022/23 and 2023/24 as well as the financial outturns for 2021/22 and 2022/23 and agreeing the disaggregation of budgets relating to statutory and discretionary licences.
 - Establishing the various activities and volumes of activities undertaken by the licencing team and what percentage of staff time is typically spent delivering these activities.
 - Establishing and agreeing service, directorate and corporate overhead that are attributable to the licensing function and costing this to each fee type.
- 3.6 In establishing the level of fee to be set for each licence the licences were grouped into categories based on the processes involved in determining them and a standard fee was developed for those with a similar process. This ensures a consistency with the fees of licences with similar processes and allows the licencing team to quickly determine the fee to be set for any new licence by grouping it with licences which require a similar process to determine.
- 3.7 The review then analysed all budgets allocated to licencing then separated the costs attributable to different functions including Private Landlord Registration, Alcohol and Gambling Licensing and Civic Licensing. They then analysed the staff time and separated all licencing fees set by statute and the Private Landlord Registration, the latter sitting separate from the other licensing activities. The staff costs relevant to the licensing regimes were then considered with appropriate apportionment of staff time allocated to licencing costs. This included provision for a part time Licensing Standards Officer who would be able to focus on compliance of civic licensing matters and where appropriate also includes time spent by Environmental Health Officers reviewing, inspecting, and reporting on applications. The fee also accounts for overheads (non-staff costs) attributable to the operation of the licensing service. It should be noted however that the fee set out does not include external fees that may be required for certain licences, such as veterinary fees, which may also apply to certain licences, and these would be recharged at cost to the applicant.
- 3.8 In addition to the above considerations, it should be noted that not all licences are for a one-year duration and consideration was taken in terms of multi-year licences. Most commonly, licences are granted for three years with the exception of the following which are granted for one year:

- Animal boarding
- Market operator
- Full public entertainment licences
- Metal dealer and itinerant metal dealer
- Skin piercing and tattoo
- Window cleaner
- Taxi drivers and operators
- Lottery licence

Annual licences are mainly granted on the recommendation from Police Scotland where they expect certain licensees to undertake annual checks given the nature of the work and potential public safety impacts.

As part of the review consideration has been taken in relation to these representations and Option 1 sets out the fee structure based on these recommendations, noting that due to lack of interest in one- or two-year Full Public Entertainment licences, the new fee structure only seeks to put in place a three-year licence.

Further, as part of an additional benchmarking exercise carried out with neighbouring authorities, Option 2 provides the option of a three-year licence for Taxi Drivers, Private Hire Car Drivers, Metal Dealers, and Window Cleaners. However, taking on board Police Scotland representations, this would be subject to an initial one-year licence being granted and then an option to apply for a three-year licence for eligible applicants. Noting in particular for taxi drivers, East Lothian Council's policy is to follow guidance set out by DVLA and as such there are requirements for drivers to undergo periodic medicals dependant on age and any underlying conditions, which takes into consideration public safety impacts. These additions are shown highlighted in yellow on Option 2.

3.9 As set out above, the methodology for calculating the fees is based on the processes and time required by the licensing department to review, process, and determine the licence and, where appropriate for certain licences, includes the cost for inspections by Environmental Health Officers. The fee review ensures that each particular licence is not either subsidising or being subsidised by the fees for other licences. Accordingly, the proposed fees for a number of licences have decreased while others have been increased. In particular, the fees calculated for Short Term Let Licensing Applications have significantly increased. These costs have been increased as we now have experience of the actual cost and complexity of processing these licences together with the cost incurred as a result of an Environmental Health Officer inspecting the premises. The initial fee for these applications had to be set in advance of the new statutory regime coming into force and was based on a best estimate of the time that was believed it would take to process applications notwithstanding that the regime and applications had not been received at that point. Since then, we have now had experience of processing these applications and the time required to take these through to determination.

3.10 In order to ensure that the cost of the licensing service remains fully covered by the fees, there are a number of considerations for applying uplifts on an annual basis. However, to ensure that the model remains relevant it is recommended that:

- Fees are inflated annually by the corporate budget assumption for other income

- The Council updates the model annually once budgets are approved and calculated fees are compared to the inflated fees levels
- Every five years the model is comprehensively updated to look again at processing times, overhead rates and fee groupings to ensure these are still fit for purpose
- New licences are assessed for time taken to process and assigned to the appropriate category.

And in addition, regular reviews are undertaken of

- The rationale for determining which fees are annual and which are multi-year and agree an approach to setting differential fee levels for single or multi-year licences
- The rationale for determining which fees are temporary and which are permanent and agree an approach to setting differential fee levels for temporary and permanent licences
- The rationale for determining which fees should have a sliding scale of fees levels depending on property size, capacity, ratable value etc. and agree an approach to setting differential fee levels
- The policy for setting nominal or free of charge licences and the rationale for this.

4 POLICY IMPLICATIONS

- 4.1 In fixing a scale of fees and other charges, the Council as Licensing Authority is complying with a statutory duty to ensure that its costs in administering these licences are fully covered by fee income.

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 – the Council is required by the Civic Government (Scotland) Act 1982 to set licence fee levels such that the costs of running the licensing service are fully covered by the level of fee income received. Accordingly, there should be full cost recovery and no detrimental impact on finances for the service.
- 6.2 Personnel – none.
- 6.3 Other – none.

7 BACKGROUND PAPERS

7.1 None.

AUTHOR'S NAME	Carlo Grilli
DESIGNATION	Service Manager, Governance
CONTACT INFO	x7770
DATE	5 April 2024

Appendix A

Benchmarking

		Benchmark Results			
Group	Licence	MAX	MIN	AVG	Current ELC Fee
1	HMO	£1,992.00	£308.00	£978.86	£504.00
	Zoo Parks	Benchmarking Not Available			£595.00
	STL	Benchmarking Not Available			£390.00
	Sexual Entertainment Venue	Benchmarking Not Available			£640.00
2	Late Hours Catering	£359.00	£120.00	£242.50	£272.00
	Second hand dealer	£1,600.00	£146.00	£368.48	£294.00
	Taxi Booking office	£1,312.00	£125.00	£439.12	£252.00
	Temp Market Op	£371.00	£150.00	£235.33	£167.00
	Petroleum	Set Fee			
	Temp PEL	£877.00	£53.33	£273.73	£211.00
	Full PEL	£1,984.00	£243.00	£665.50	£600.00
	Explosive Storage	Set Fee			
	Venison dealer	£671.00	£32.50	£152.88	£129.00
	Market Op	£1,080.00	£91.67	£339.81	£332.00
	Metal Dealer	£792.00	£62.67	£251.35	£294.00
	SP and Tattoo	£508.00	£6.67	£232.72	£263.00
	Itinerant Metal Dealer	£683.00	£46.33	£200.81	£294.00
	3	Taxi Drivers	£272.00	£37.67	£134.55
Taxi Operators		Benchmarking Not Available			£405.00
L&G Personal		Set Fee			
Lottery Licence		Benchmarking Not Available			£10.00
Charity collect		Benchmarking Not Available			£0.00
4	Street trader	£766.00	£140.00	£292.69	£294.00
	Animal boarding	£425.00	£69.00	£115.26	£138.00
	Window cleaner	£305.00	£45.00	£123.59	£89.00
	Temp Street trader	£187.00	£50.00	£98.60	£294.00
5	Pet seller	£436.00	£69.00	£195.55	£278.50
	Dog breeder	£477.00	£69.00	£210.52	£278.50
	Cat breeder	£477.00	£69.00	£200.01	£278.50
	Boat Hirer	£739.00	£41.00	£259.38	£220.50
	Performing Animals	New Licence- fees still to be set			
6	Occasional	Set Fee			
	Extensions	Set Fee			
	Minor	Set Fee			
7	Premises	Set Fee			
	Major	Set Fee			
8	Riding Est	£790.00	£69.00	£255.04	£278.50

Option 1

Licensing Fees

Licence type	Fee 2023/24 (£)	Duration	2024/25 proposal (£)	Duration
Private Hire Cars				
Driver	149	1 year	259	1 year
Grant and Renewal of vehicle	405	1 year	445	1 year
Early Renewal & Replacement	405		445	
Replacement or Substitute vehicle	141	28 days	89	
Medical Fee	55		55	
Replacement Plate (Front)	32		20	
Replacement Plate (Rear)	35		20	
Replacement Brackets (Front)	32		20	
Replacement Brackets (Rear)	35		20	
Replacement Drivers Badge	29		34	
Replacement Door Sign	31		20	
Grant/Renewal of Trailer	149	1 year	59	
Wheelchair Exemption Certificate	29	1 year	82	
Duplicate Licence	29		30	
Variation	69		89	
Taxis				
Driver	149	1 year	207	1 year
Grant and Renewal of vehicle	405	1 year	445	1 year
Early Renewal & replacement	405		445	
Replacement or Substitute vehicle	141	28 days	89	
Replacement Plate (Front)	32		20	
Replacement Plate (Rear)	35		20	
Replacement Brackets (Front)	32		20	
Replacement Brackets (Rear)	32		20	
Replacement Drivers Badge	29		34	
Replacement Door Sign	31		20	
Grant/Renewal of Trailer	149	1 year	59	
Wheelchair Exemption Certificate	29	1 year	82	
Duplicate Licence	29		30	
Variation	69		89	
Advertising:				
Internal	18	No Licensing Function		

External	60	No Licensing Function		
Superside	72	No Licensing Function		
Full Livery	90	No Licensing Function		
Advertising:				
Internal	18	No Licensing Function		
External	60	No Licensing Function		
Superside	72	No Licensing Function		
Full Livery	90	No Licensing Function		
Taxi Booking Offices				
Grant and Renewal	252	3 years	207	
Duplicate Licence	29		30	
Variation	69		89	
Late Hours Catering				
Grant and Renewal	276	3 years	269	
Duplicate Licence	29		30	
Variation	69		89	
Public Entertainment				
Grant and Renewal	600	3 years	311	
Multi-activity Indoor and Outdoor Facility	1714	3 years	311	
Duplicate Licence	29		30	
Variation	69		89	
Temporary Public Entertainment (numbers based on daily attendance)				
Temp Public Entertainment Licence – up to 500 persons	211	6 weeks	269	
Temp Public Entertainment licence 500 - 2000 persons	423	6 weeks	285	
Temp Public Entertainment licence 2001 - 5000 persons	635	6 weeks	301	
Temp Public Entertainment Licence - Over 5000	845	6 weeks	317	
Duplicate Licence	29		30	
Indoor Sports Entertainment				
Grant and Renewal	257	3 years	311	
Duplicate Licence	29		30	
Variation	69		89	
Tattoo & Piercing				
Grant and Renewal	263	1 year	404	3 years
Additional employees (each)	132	1 year	311	3 years

Duplicate Licence	29		30	
Variation	69		89	
Street Trader				
Grant and Renewal (per person)	294	3 years	269	
Duplicate Licence	29		30	
Variation	69		89	
Temporary Street Trader				
		Proposed to remove this option		
Grant	81	6 weeks	269	
Duplicate Licence	29		30	
Variation	69		89	
Knife Dealers				
Grant and Renewal	384	3 years	310	
Duplicate Licence	29		30	
Variation	69		89	
Venison Dealer				
Grant and Renewal	129	3 years	269	
Duplicate Licence	29		30	
Variation	69		89	
Metal Dealer				
Grant and Renewal	294	1 year	207	
Duplicate Licence	29		30	
Variation	69		89	
Itinerant Metal Dealer				
Grant and Renewal	294	1 year	207	
Duplicate Licence	29		30	
Variation	69		89	
Market Operator				
		1 year		3 years
Less than 50 traders	332		310	
More than 50 traders	586		removed	
Duplicate Licence	29		30	
Variation	69		89	
Temporary Market Operators				
		6 weeks		
Less than 50 traders	167		269	
More than 50 traders	283		331	
Duplicate Licence	29		30	
Variation	69		89	

Window Cleaners				
Grant and Renewal	89	1 year	207	
Duplicate Licence	29		30	
Variation	69		89	
Second Hand Dealers				
Grant and Renewal	294	3 years	207	
Duplicate Licence	29		30	
Variation	69		89	
Temporary Second-Hand Dealer		Proposed to remove this option		
Grant	81	6 weeks	207	
Duplicate Licence	29		30	
Variation	69		89	
Boat Hirer				
Grant and Renewal	298	1 year	310	3 years
Duplicate Licence	29		30	
Variation	69		89	
Temporary Boat Hirer		Proposed to remove this option		
Grant	151	6 weeks	310	
Duplicate Licence	29		30	
Variation	69		89	
Animal Licences				
Pet Seller - Grant	194	1 year	403	3 years
Pet Seller - Renewal	205	1 year	403	3 years
Rehoming Activities - Grant	194	1 year	403	3 years
Rehoming Activities - Renewal	205	1 year	403	3 years
Animal Welfare Establishment (unless registered charity) - Grant	194	1 year	403	3 years
Animal Welfare Establishment (unless registered charity) - Renewal	205	1 year	403	3 years
Dog Breeder - Grant	194	1 year	403	3 years
Dog Breeder - Renewal	205	1 year	403	3 years
Cat Breeder - Grant	194	1 year	403	3 years
Cat Breeder - Renewal	205	1 year	403	3 years
Rabbit Breeder - Grant	194	1 year	403	3 years
Rabbit Breeder - Renewal	205	1 year	403	3 years
Duplicate of Pet Seller/Breeder /Rehoming Activities/Animal Welfare Est.	28		30	
Variation of Pet Seller/Breeder /Rehoming Activities/Animal Welfare Est.	145		89	

Dangerous Wild Animals	138	1 year	269	
Duplicate Licence	29		30	
Variation	69		89	
Zoological Parks	595	4 years	1,067	
Duplicate Licence	29		30	
Variation	69		89	
Riding Establishments	138	1 year	400	3 years
Duplicate Licence	29		30	
Variation	69		89	
Animal Boarding Establishment	138	1 year	269	
Animal Boarding (Use of Domestic Premises)	69	1 year	269	
Animal Boarding (Day Care)	138	1 year	269	
Duplicate Licence			30	
Variation			89	
Performing Animals		Lifetime		
Houses in Multiple Occupation		3 years		
3-5 Residents	504		1,067	
6-10 Residents	811		1,083	
11-20 Residents	1240		1,099	
21-30 Residents	1489		1,115	
31-40 Residents	1730		1,131	
41-50 Residents	1981		1,147	
51-75 Residents	2594		1,179	
76-100 Residents	3214		1,211	
101-200 Residents	4447		1,243	
201 + Residents	5681		1,275	
Additional Inspections after Initial (Per Officer)	59		62	
Change of Ownership (Prior to Grant)	178		89	
Change of Day-to-Day Manager or Agent	178		89	
Change of Maximum Occupancy Level	178		89	
Change to Physical Layout of Property	178		89	
Duplicate Licence	29		30	
Caravan Licence (Residential and Touring)		5 years (residential) / Lifetime (Holiday)		
01-25 caravans	578		1,067	
26-50 Caravans	933		1,099	
51-100 Caravans	1690		1,131	
101 + Caravans	1890		1,163	
Duplicate Licence	29		30	
Variation Licence	69		89	
Transfer licence	69			

Short-term Lets		3 years		
1 - 5 occupancy	390		1,067	
6 - 10 occupancy			1,083	
11 - 20 occupancy			1,099	
21 - 30 occupancy			1,115	
31 - 40 occupancy			1,131	
41 - 50 occupancy			1,147	
51 - 60 occupancy			1,179	
Duplicate Licence			30	
Variation Licence			89	
Sexual Entertainment Venue		3 years		
Grant and Renewal			1,067	
Duplicate Licence			30	
Variation			89	
Public Charitable Collections				
	No income	Specified by applicant		

Option 2

Licensing Fees

Licence type	Fee 2023/24 (£)	Duration	2024/25 proposal (£)	Duration
Private Hire Cars				
Driver	149	1 year	207	1 year
Driver*	-	-	310	3 years
Grant and Renewal of vehicle	405	1 year	445	1 year
Early Renewal & Replacement	405		445	
Replacement or Substitute vehicle	141	28 days	89	
Medical Fee	55		55	
Replacement Plate (Front)	32		20	
Replacement Plate (Rear)	35		20	
Replacement Brackets (Front)	32		20	
Replacement Brackets (Rear)	35		20	
Replacement Drivers Badge	29		34	
Replacement Door Sign	31		20	
Grant/Renewal of Trailer	149	1 year	59	
Wheelchair Exemption Certificate	29	1 year	82	
Duplicate Licence	29		30	
Variation	69		89	
Taxis				
Driver	149	1 year	207	1 year
Driver*	-	-	310	3 years
Grant and Renewal of vehicle	405	1 year	445	1 year
Early Renewal & replacement	405		445	
Replacement or Substitute vehicle	141	28 days	89	
Replacement Plate (Front)	32		20	
Replacement Plate (Rear)	35		20	
Replacement Brackets (Front)	32		20	
Replacement Brackets (Rear)	32		20	
Replacement Drivers Badge	29		34	
Replacement Door Sign	31		20	
Grant/Renewal of Trailer	149	1 year	59	
Wheelchair Exemption Certificate	29	1 year	82	
Duplicate Licence	29		30	
Variation	69		89	

Advertising:				
Internal	18	No Licensing Function		
External	60	No Licensing Function		
Superside	72	No Licensing Function		
Full Livery	90	No Licensing Function		
Advertising:				
Internal	18	No Licensing Function		
External	60	No Licensing Function		
Superside	72	No Licensing Function		
Full Livery	90	No Licensing Function		
Taxi Booking Offices				
Grant and Renewal	252	3 years	207	
Duplicate Licence	29		30	
Variation	69		89	
Late Hours Catering				
Grant and Renewal	276	3 years	269	
Duplicate Licence	29		30	
Variation	69		89	
Public Entertainment				
Grant and Renewal	600	3 years	311	
Multi-activity Indoor and Outdoor Facility	1714	3 years	311	
Duplicate Licence	29		30	
Variation	69		89	
Temporary Public Entertainment (numbers based on daily attendance)				
Temp Public Entertainment Licence – up to 500 persons	211	6 weeks	269	
Temp Public Entertainment licence 500 - 2000 persons	423	6 weeks	285	
Temp Public Entertainment licence 2001 - 5000 persons	635	6 weeks	301	
Temp Public Entertainment Licence - Over 5000	845	6 weeks	317	
Duplicate Licence	29		30	
Indoor Sports Entertainment				
Grant and Renewal	257	3 years	311	
Duplicate Licence	29		30	
Variation	69		89	
Tattoo & Piercing				

Grant and Renewal	263	1 year	404	3 years
Additional employees (each)	132	1 year	311	3 years
Duplicate Licence	29		30	
Variation	69		89	
Street Trader				
Grant and Renewal (per person)	294	3 years	269	
Duplicate Licence	29		30	
Variation	69		89	
Temporary Street Trader		Proposed to remove this option		
Grant	81	6 weeks	269	
Duplicate Licence	29		30	
Variation	69		89	
Knife Dealers				
Grant and Renewal	384	3 years	310	
Duplicate Licence	29		30	
Variation	69		89	
Venison Dealer				
Grant and Renewal	129	3 years	269	
Duplicate Licence	29		30	
Variation	69		89	
Metal Dealer				
Grant and Renewal	294	1 year	207	
Grant and Renewal*	-	-	310	3 years
Duplicate Licence	29		30	
Variation	69		89	
Itinerant Metal Dealer				
Grant and Renewal	294	1 year	207	
Grant and Renewal*	-	-	310	3 years
Duplicate Licence	29		30	
Variation	69		89	
Market Operator		1 year		3 years
Less than 50 traders	332		310	
More than 50 traders	586		removed	
Duplicate Licence	29		30	
Variation	69		89	
Temporary Market Operators		6 weeks		

Less than 50 traders	167		269	
More than 50 traders	283		331	
Duplicate Licence	29		30	
Variation	69		89	
Window Cleaners				
Grant and Renewal	89	1 year	207	
Grant and Renewal*	-	-	310	3 years
Duplicate Licence	29		30	
Variation	69		89	
Second Hand Dealers				
Grant and Renewal	294	3 years	207	
Duplicate Licence	29		30	
Variation	69		89	
Temporary Second Hand Dealer		Proposed to remove this option		
Grant	81	6 weeks	207	
Duplicate Licence	29		30	
Variation	69		89	
Boat Hirer				
Grant and Renewal	298	1 year	310	3 years
Duplicate Licence	29		30	
Variation	69		89	
Temporary Boat Hirer		Proposed to remove this option		
Grant	151	6 weeks	310	
Duplicate Licence	29		30	
Variation	69		89	
Animal Licences				
Pet Seller - Grant	194	1 year	403	3 years
Pet Seller - Renewal	205	1 year	403	3 years
Rehoming Activities - Grant	194	1 year	403	3 years
Rehoming Activities - Renewal	205	1 year	403	3 years
Animal Welfare Establishment (unless registered charity) - Grant	194	1 year	403	3 years
Animal Welfare Establishment (unless registered charity) - Renewal	205	1 year	403	3 years
Dog Breeder - Grant	194	1 year	403	3 years
Dog Breeder - Renewal	205	1 year	403	3 years
Cat Breeder - Grant	194	1 year	403	3 years
Cat Breeder - Renewal	205	1 year	403	3 years
Rabbit Breeder - Grant	194	1 year	403	3 years

Rabbit Breeder - Renewal	205	1 year	403	3 years
Duplicate of Pet Seller/Breeder /Rehoming Activities/Animal Welfare Est.	28		30	
Variation of Pet Seller/Breeder /Rehoming Activities/Animal Welfare Est.	145		89	
Dangerous Wild Animals	138	1 year	269	
Duplicate Licence	29		30	
Variation	69		89	
Zoological Parks	595	4 years	1,067	
Duplicate Licence	29		30	
Variation	69		89	
Riding Establishments	138	1 year	400	3 years
Duplicate Licence	29		30	
Variation	69		89	
Animal Boarding Establishment	138	1 year	269	
Animal Boarding (Use of Domestic Premises)	69	1 year	269	
Animal Boarding (Day Care)	138	1 year	269	
Duplicate Licence			30	
Variation			89	
Performing Animals		Lifetime		
Houses in Multiple Occupation		3 years		
3-5 Residents	504		1,067	
6-10 Residents	811		1,083	
11-20 Residents	1240		1,099	
21-30 Residents	1489		1,115	
31-40 Residents	1730		1,131	
41-50 Residents	1981		1,147	
51-75 Residents	2594		1,179	
76-100 Residents	3214		1,211	
101-200 Residents	4447		1,243	
201 + Residents	5681		1,275	
Additional Inspections after Initial (Per Officer)	59		62	
Change of Ownership (Prior to Grant)	178		89	
Change of Day-to-Day Manager or Agent	178		89	
Change of Maximum Occupancy Level	178		89	
Change to Physical Layout of Property	178		89	
Duplicate Licence	29		30	
Caravan Licence (Residential and Touring)		5 years (residential) / Lifetime (Holiday)		
01-25 caravans	578		1,067	
26-50 Caravans	933		1,099	
51-100 Caravans	1690		1,131	

101 + Caravans	1890		1,163	
Duplicate Licence	29		30	
Variation Licence	69		89	
Transfer licence	69			
Short-term Lets		3 years		
1 - 5 occupancy	390		1,067	
6 - 10 occupancy			1,083	
11 - 20 occupancy			1,099	
21 - 30 occupancy			1,115	
31 - 40 occupancy			1,131	
41 - 50 occupancy			1,147	
51 - 60 occupancy			1,179	
Duplicate Licence			30	
Variation Licence			89	
Sexual Entertainment Venue		3 years		
Grant and Renewal			1,067	
Duplicate Licence			30	
Variation			89	
Public Charitable Collections				
	No income	Specified by applicant		

*subject to conditions

Appendix B Licensing Fees Set by Statute

Explosives (Statutory)			
With no minimum separation distance			
Storage of Explosives Registration – 1 year (Fireworks)	119		
“ “ “ - 2 years	154		
“ “ “ - 3 years	190		
“ “ “ - 4 years	226		
“ “ “ - 5 years	260		
Storage of Explosives Renewal - 1 year (Fireworks)	59		
“ “ “ - 2 years	94		
“ “ “ - 3 years	132		
“ “ “ - 4 years	166		
“ “ “ - 5 years	202		
With minimum separation distance			
Storage of Explosives Registration – 1 year (Fireworks)	202		
“ “ “ - 2 years	266		
“ “ “ - 3 years	333		
“ “ “ - 4 years	409		
“ “ “ - 5 years	463		
Storage of Explosives Renewal - 1 year (Fireworks)	94		
“ “ “ - 2 years	161		
“ “ “ - 3 years	226		
“ “ “ - 4 years	291		
“ “ “ - 5 years	357		
Variation	40		
Transfer	40		
Replacement	40		
Petroleum (up to a maximum of 10 years) (Statutory)			
Not exceeding 2,500 litres	48	1 year	
Exceeding 2,500 litres but not exceeding 50,000 litres	65	1 year	
Exceeding 50,000 litres	137	1 year	
Alcohol			
Transfer of Premises	37.50		
Minor Variation	20.00		

Minor Variation and change of Premises Manager	31.00		
Major Variation	200.00		
Major Variation and transfer of Premises licence holder	220.00		
Extended hours	10.00		
Occasional	10.00		
Personal	50.00		
Replacement Personal licence	25.00		
Replacement (other than Personal licence)	37.50		
Provisional	200.00		
Temporary Premises	200.00		
Alcohol Premises			
Category	Rateable value	Application Fee	Annual Fee
1	Members club	£200	£180
2	£1 - £11,500	£800	£220
3	£11,501 - £35,000	£1,100	£280
4	£35,001 - £70,000	£1,300	£500
5	£70,001 - £140,000	£1,700	£700
6	Over £140,000	£2,000	£900
Gambling			
<i>Family Entertainment Centre gaming machine</i>			
Grant and Renewal	300		
Copy of licence	15		
<i>Prize Gaming</i>	300		
Copy of licence	15		
<i>Club or Club machine</i>			
Grant	300		
Renewal	200		
Annual Fee	50		
Copy of licence	15		
Variation of licence	100		
<i>Licensed premises gaming machine</i>			
Grant	150		
Annual Fee	50		
Copy of licence	15		
Variation of licence	100		
<i>Automatic Entitlement notification</i>			
Grant	50		
<i>Small Lotteries</i>			
Grant	40		

Renewal	20		
<i>Society Registration</i>			
Grant	40		
Renewal	20		
Gambling Annual Fees			
Adult gaming centre premises	700		
Betting premises (track)	1,000		
Family entertainment centre premises	500		
Betting premises (other)	400		