

01 OCT 2023

Received
CIVIC GOVERNMENT (SCOTLAND) ACT 1982

APPLICATION FOR GRANT / RENEWAL OF SHORT-TERM LET LICENCE

PART 1: ABOUT YOU

Are you applying as an individual or corporate entity?

3

Individual

Corporate Entity

Fill in if you are applying as an individual:

Your full name _____

Date of birth _____

Place of birth _____

Home Address _____

Postcode _____

Tel. No. _____ Email address _____

Compi
GAS
PAT
PLU - expired
need £'s

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

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

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

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

Yes No

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

Full name _____

Date of birth _____

Tel. No. _____ Email address _____

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

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. |
|-----------|---------------|--------------------------|-------|----------|
| | | | | |
| | | | | |
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| | | | | |

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 H B Fash Ltd

Limited company number (if applicable) SC606273

First name and surname Ruairidh Menzies

Registered or principal office address [REDACTED]

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

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

| Full name | Personal address | Place of birth | Date of birth |
|-------------------|------------------|----------------|---------------|
| Ruairaidh Menzies | | | |
| Jamie Menzies | | | |
| | | | |
| | | | |

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. |
|-----------|---------------|--------------------------|-------|----------|
| | | | | |
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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 Camptoun Steading, Drem

Postcode EH39 5BS

Unique Property Reference Number (if known) _____

EPC Rating* B

** (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 | <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 _____

Bathrooms 2.5 Kitchens 1

Lounges 1

Other (please specify) _____

Specify the maximum number of guests 8
(excluding children under 2 years of age)

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

Yes No

PART 4: CONVICTIONS

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

| NAME | DATE | COURT | OFFENCE | SENTENCE |
|-------------|-------------|--------------|----------------|-----------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

PART 5: APPLICATION CHECKLIST

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

| 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: 14/01/24 |
| Electrical Installation Condition Report | Valid to: 05/01/28 |
| Portable Appliance Testing Report | Valid to: 05/01/24 |
| 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: n/a |
| Floor plan | x |
| EPC Certificate (for premises which are dwellinghouses) | Valid to: 18/01/2032 |
| Public Liability Insurance | Valid to: x |
| 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) | x |
| 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.

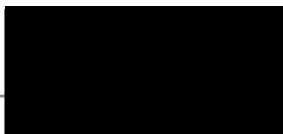
Anyone who gives false information on this form, or fails to provide the information required by this form, is committing an offence which could lead to prosecution.

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 Ruaraidh Menzies

Date 01/10/23

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

Consultation responses

Antisocial Behaviour team – No objection (28 May 2024)

Parking team – No objection (27 May 2024)

Planning Authority – advised Planning permission is required if there is a material change of use. No record of planning application received at 30 May 2024. No application submitted (as per Planning Portal) 6 June 2024. (30 May 2024)

Environmental Services – No objection (6 June 2024)

Police Scotland – No objection (6 June 2024)

SFRS – No response

Licensing

From: [REDACTED]
Sent: 15 October 2023 22:42
To: Licensing
Subject: Air B&B at no 10 Camptoun Steadings
Attachments: Letter to Licensing East Lothian Council.pdf

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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 Colleague,

I am writing regarding the application for Secondary Letting of no 10 Camptoun Steading EH395BS by H.B. Fash Ltd. with a Short Term Lets Licence
Please see the signed pdf below.

Harley Loudon and Philip Lee
[REDACTED]

15th October 2023

To whom this may concern:

Reference: Short Term Lets Licence Secondary Letting of No. 10 Camptoun Steading EH395BS by H.B. Fash Ltd.

We are writing regarding the application for Secondary Letting of no 10 Camptoun Steading EH395BS by H.B. Fash Ltd. with a Short Term Lets Licence

Our names:

Harley Loudon and Philip Lee
[REDACTED]

We *object* to the application on the following grounds:

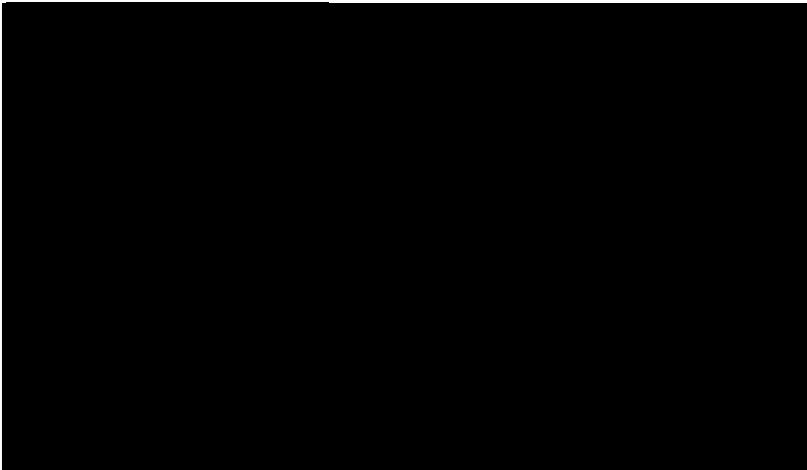
- No trade can be run on the Steading as detailed in the Deeds Conditions Burdens Section 4.1.1 : "*no part of the development subjects shall be used for carrying on any trade*".
- *Additionally the section continues and states "Each proprietor shall use and occupy his dwelling house predominantly as a private dwelling house."*
- The spirit in which that section of the deed was made was to avoid, amongst all else, increased traffic and noise as well as general security for the community who own and live here permanently.
- We are a family-centred close knit community with small children and dogs and it is unsettling to have people arrive sometimes late at night, wondering about the steading with their own dogs, which disrupts the peace and security we are entitled to and bought into when we moved here. This is a private development with a private road.

- Safety for our children to play when there are constant strangers visiting and walking about as well as driving too quickly in the Steadings lanes without awareness and due care. Children have been spooked when walking up to catch their bus to school in the morning at the top of the road when an Air BnB guest was hanging around. With so many small children living in the Steadings this then becomes a safe-guarding issue.
- Some guests are noisy, visitors come and go sometimes very early in the morning and/or very late at night. There have been a few incidents already with Steading owners contacting each other verifying who is driving too fast and unsafely with no regard, or walking about in the communal grounds, and the answer is always Air BnB guests.
- Air BnB guests may well be putting sanitary towels and the wrong detergents down the toilets which blocks our communal sewage treatment plant - which has very specific rules on what can be flushed - any impact manifests some three months later, potentially causing strong smells and a callout and investigation charge payable by us all - with no comeback to the possible cause. This amounts to a greater risk of damage to communal items by visitors unfamiliar to the Steading.
- Other 'general nuisances' are increased litter and dog waste bags sometimes left for someone else to pick up.
- The applicant has never lived at their purchased property, they said they were only letting it out to friends and then it was found to be advertised on public Air BnB sites. Air BnB guidelines state notifying neighbours when guests are due. This has not happened.
- The application is being made by a letting agency business: H.B. Fash Ltd. not a private owner, and these properties are private dwellings not commercial ones.

Thankyou for your consideration of our objections,

Sincerely,

Harley Loudon and Philip Lee



Rafferty, Alison (Licensing)

From: Licensing
Sent: 17 October 2023 07:35
To: Short Term Lets
Subject: FW: No 10 Camptoun Steading Licence to Air BnB

From: [REDACTED]
Sent: 16 October 2023 23:09
To: Licensing <licensing@eastlothian.gov.uk>
Cc: [REDACTED]
Subject: No 10 Camptoun Steading Licence to Air BnB

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Dear Licensing Colleagues,

I refer you to the email from Hacking and Paterson the management agency employed by the Camptoun Steading Householders to manage the Steadings

"If there is no hope to be found, let us create it.
If there is no light to revel in,
let our lives shine like the sun."
Daisaku Ikeda

Begin forwarded message:

From: Paul Forsyth <pforsyth@hackingandpaterson.co.uk>
Subject: RE: Insurance question
Date: 16 October 2023 at 16:55:18 BST

Good Afternoon Harley

Thank you for your email.

We advise that the Property Owners Liability insurance only relates to the common grounds within the development for Camptoun Steading.

However, we do advise that you refer to your Title Deeds, as it is our understanding that running a business from your property is not permitted.

I trust the above clarifies your enquiry and should you have any questions, please do not hesitate to contact our office.

Kind regards



Property Manager

HACKING + PATERSON

CELEBRATING 100 YEARS


Verdant, 2 Redheughs Rigg, Edinburgh, EH12 9DQ

0131 523 1575 (ext 309)

www.hackingandpaterson.co.uk

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To reduce your carbon footprint and receive your correspondence and invoice by e-mail, just send us an e-mail with your address or account number to paperless@hackingandpaterson.co.uk

From: Harley Loudor 
Sent: Sunday, October 15, 2023 4:14 PM
To: Paul Forsyth <pforsyth@hackingandpaterson.co.uk>
Subject: Insurance question

Hi there,

Just enquiring if running an air B&B affects our collective insurance at Camptoun Steading. The Insurance company policy does not state specifically regarding this. If it does impact can you give details?

Thanks so much,

Harley


Rafferty, Alison (Licensing)

From: Licensing
Sent: 18 October 2023 14:39
To: Short Term Lets
Subject: FW: Objection to license application for short term let
Attachments: airbnb_application.pdf

From: Beth Cowie [REDACTED]
Sent: 18 October 2023 14:34
To: Licensing <licensing@eastlothian.gov.uk>
Subject: Objection to license application for short term let

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Short Term Lets Licence Secondary Letting of No. 10 Camptoun Steading EH395BS by H.B. Fash Ltd.

I have attached a letter outlining my objections to the above licence application.

Yours

Beth Bennamane (Cowie)

[REDACTED]

Elizabeth Bennamane (Cowie)



18th October 2023

**Reference: Short Term Lets Licence Secondary Letting of No. 10 Camptoun Steading
EH395BS by H.B. Fash Ltd.**

To whom it may concern,

I am writing with reference to the application for a short term let licence at 10 Camptoun Steading,
EH39 5BS by H.B.Flash Ltd.

I strongly object to the application as it infringes the deeds of Camptoun Steading. The deeds were created to protect the Steading and the people that live there. I communicated to the owner of no 10 on many occasions that the property could not and should not be used as an Airbnb but sadly I was ignored along with many other neighbours and the property has been functioning as a short term let for the last two summers.

The deeds clearly state:

No trade can be run on the Steading as detailed in the Deeds Conditions Burdens Section 4.1.1 : “no part of the development subjects shall be used for carrying on any trade” .

Additionally, the section continues and states “Each proprietor shall use and occupy his dwelling house predominantly as a private dwelling house.”

Camptoun is a very close-knit community with a population of young families and older people. The peace and security of the steading is threatened by the use of a property as a short term let.

There have been numerous occasions where the use of the property as a short term let has created problems within the steading.

Issues include:

- Safety for children to play when there is a constant stream of strangers at the Airbnb.
- Occasionally the occupants are not holidaymakers but workers with large vans and there is in general an increase of traffic in the small private roads round the steading.
- Speed limits are often ignored, a major concern when there are children playing and people walking dogs
- Increased noise level with people sometimes arriving late at night.

Yours sincerely

Beth Bennamane

(Dr Elizabeth Bennamane)



20th October 2023

To whom this may concern:

**Reference: Short Term Lets Licence Secondary Letting of No. 10
Camptoun Steading EH395BS by H.B. Fash Ltd.**

We are writing regarding the application for Secondary Letting of no 10
Camptoun Steading EH395BS by H.B. Fash Ltd. with a Short Term Lets
Licence

Our names:

Fraser and Colleen Scott



We *object* to the application on the following grounds:

- No trade can be run on the Steading as detailed in the Deeds Conditions Burdens Section 4.1.1 : *“no part of the development subjects shall be used for carrying on any trade”* .
- *Additionally the section continues and states “Each proprietor shall use and occupy his dwelling house predominantly as a private dwelling house.”*
- The spirit in which that section of the deed was made was to avoid, amongst all else, increased traffic and noise as well as general security for the community who own and live here permanently.
- We are a family-centred close knit community with small children and dogs and it is unsettling to have people arrive sometimes late at night, wondering about the steading with their own dogs, which disrupts the peace and security we are entitled to and bought into when we moved here. This is a private development with a private road.

- Safety for our children to play when there are constant strangers visiting and walking about as well as driving too quickly in the Steadings lanes without awareness and due care. Children have been spooked when walking up to catch their bus to school in the morning at the top of the road when an Air BnB guest was hanging around. With so many small children living in the Steadings this then becomes a safe-guarding issue.
- Some guests are noisy, visitors come and go sometimes very early in the morning and/or very late at night. There have been a few incidents already with Steading owners contacting each other verifying who is driving too fast and unsafely with no regard, or walking about in the communal grounds, and the answer is always Air BnB guests.
- Air BnB guests may well be putting sanitary towels and the wrong detergents down the toilets which blocks our communal sewage treatment plant - which has very specific rules on what can be flushed - any impact manifests some three months later, potentially causing strong smells and a callout and investigation charge payable by us all - with no comeback to the possible cause. This amounts to a greater risk of damage to communal items by visitors unfamiliar to the Steading.
- Other 'general nuisances' are increased litter and dog waste bags sometimes left for someone else to pick up.
- The applicant has never lived at their purchased property, they said they were only letting it out to friends and then it was found to be advertised on public Air BnB sites. Air BnB guidelines state notifying neighbours when guests are due. This has not happened.
- The application is being made by a letting agency business: H.B. Fash Ltd. not a private owner, and these properties are private dwellings not commercial ones.

Thankyou for your consideration of our objections,

Sincerely,

Fraser and Colleen Scott



Licensing

From: Morna Sloan [REDACTED]
Sent: 28 October 2023 12:38
To: Licensing
Subject: Objection to application for short term lets licence at 10 Camptoun Steading,

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Name: Morna Sloan, [REDACTED]

I am writing to lodge an objection to the application by H B Fash Ltd for a short term lets licence at 10 Camptoun Steading, EH39 5BS

I object on the following grounds:

The Deeds that apply to the entire development specify clearly that no part of it shall be used to carry out any trade. Additionally, they state that each proprietor should use and occupy his dwelling house predominantly as a private dwelling house. The applicant, H B Fash, is a commercial enterprise and the owners have never lived in the property.

I have concerns about security. This is a small rural community on a private road. We all know each other. Many families have young children. People bought their homes here on the assumption that their youngsters would be able to play outside safely. We have had incidents where Air BnB guests have driven in at speed, without proper consideration. And also some worries about strangers walking around the place.

My final concern is about communal facilities. We have a communal septic tank which we all pay to run and maintain. If Air BnB guests are unfamiliar with septic tank use and, for example, flush wet wipes etc, it could lead to costly repairs for everyone. Also, we have communal bins and the people renting the Air BnB don't seem to use the recycling boxes.

Morna Sloan

Licensing

From: mani s [REDACTED]
Sent: 12 November 2023 16:02
To: Licensing
Subject: Objection to the application for Secondary Letting of no 10 Camptoun Steading EH395BS by H.B. Fash Ltd for a Short-Term Lets

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[REDACTED]

12th November 2023

Dear

I'am writing with objection to the application for Secondary Letting of no 10
Camptoun Steading EH395BS by H.B. Fash Ltd for a Short-Term Lets

Licence. The reasons are as below.

The application for Secondary Letting of no 10 Camptoun Steading EH395BS is being made by H.B. Fash Ltd who are a company/letting agency business and commercial concern. This would appear to be a clear breach of the Steading Deeds and Conditions.

The owner and applicant who has never resided at the property, initially stated that No.10 would be domiciled as a private residential home. However, it is advertised publicly on commercial Air BnB sites.

the Deeds Conditions and Burdens Section 4.1.1: state that

No trade can be run on the Steading and "no part of the development subjects shall be used for carrying on any trade".

• Additionally the states "Each proprietor shall use and occupy his dwelling house predominantly as a private dwelling house."

The section of the deeds is there to avoid,

increased traffic and additional road maintenance for which the permanent Steading residents are responsible.

Unwarranted noise.

There is a safeguarding and general security concern for all residents who live here particularly those with young children and the elderly.

Additionally, the Air BnB guests have impact on the communal sewage treatment plant –

and increased litter and dog waste.

Kind Regards

My name:

E. Shoniwa

