

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

1a

Fill in if you are applying as an individual:

Your full name James Westwood

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)

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 Craig Douglas

Date of birth [REDACTED]

Tel. No. [REDACTED] Email address craig@reserveapartments.co.uk

Addresses (last 5 years)	Postcode	Date from (mm/yy)	Date to (mm/yy)
[REDACTED]	[REDACTED]	[REDACTED]	[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):

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

Individuals, please go to Part 2.

Corporate entities

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

Corporate entity name _____

Limited company number (if applicable) _____

First name and surname _____

Registered or principal office address _____

Tel. No. _____ Email address _____

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

Full name	Personal address	Place of birth	Date of birth

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

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

PART 2: APPLICATION AND LICENCE TYPE

(to be completed by all applicants)

Please select the application type:

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

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

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

Existing licence number _____

Existing licence expiry date _____

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

Previous licence number _____

Previous licence expiry date _____

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

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

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

Yes No N/A

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

PART 3: PREMISES DETAILS

Premises Address St Aidans, Abbotsford Road, North Berwick, East Lothian

Postcode EH39 5DB

Unique Property Reference Number (if known) _____

EPC Rating* _____

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

Please select the type of premises:

- Detached House 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 6 Bed/Sitting rooms 0

Bathrooms 8 Kitchens 1

Lounges 2

Other (please specify) _____

Specify the maximum number of guests 14
(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: 06/10/23
Electrical Installation Condition Report	Valid to: 04/07/2026
Portable Appliance Testing Report	Valid to: 06/10/27
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:
Public Liability Insurance	Valid to:
Proof of consent from owner (if applicable)	X
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).	X
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

James Westwood

Date

30 / 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

Consultation responses

Antisocial Behaviour team – No objection

Parking team – No objection

Planning Authority – See response (27 Mar 24)

Environmental Services – No response

Police Scotland – No objection

SFRS – No response

Lindsay, Arlene (Licensing)

Sent 27/3/24

From: Millar, Neil
Sent: 27 March 2024 16:36
To: Short Term Lets
Subject: RE: Short Term Let EL00429 St Aidans, Abbotsford Road, North Berwick EH39 5DB

Hi Arlene,

Our Ref: DEV76395; Change of use of house to short term holiday let (Retrospective) at St Aidans, Abbotsford Road, North Berwick.

Thank you for your email below with attachment.

Please be advised that planning permission is required if there is a material change of use and, whether a change of use is material or not, is a question of the facts and circumstances of the individual situation.

Accordingly, in assessing whether the proposed change of use of this house (St Aidans, Abbotsford Road, North Berwick) for short term letting purposes is material or not, we must consider a range of factors that distinguish the intensity and scale of the use from what would reasonably be expected from typical residential use of a property of this size and type. These include but are not limited to the character of the property, periods and manner of lettings, frequency of arrivals and departures and the intensity of noise and disturbance.

Whilst I note that this property is a detached house and is capable of sleeping 14 guests this information is not, in itself, sufficient in order for us to establish whether or not there is a material change of use relating to this property operating as a short term holiday let. Accordingly, please can you advise the applicant that they will need to submit details of their proposal to environment@eastlothian.gov.uk in the first instance for our further review and consideration. The information we require is set out below:

- How long has the property been marketed/used for short term holiday lets?
- How often is the property used as a holiday let per year?
- What is the maximum occupancy of the property? (i.e. how many visitors can occupy the property in one booking)
- What is the minimum and maximum length of stay and what is the most common length of stay?
- How are stays managed for the check in/check out processes (i.e. are guests met at the property by the applicant, a letting company or is a key safe used etc.?)
- What type of guests does this property appeal to (e.g. singles, couples, families, holiday makers, stag/hen dos, people working in the area, family members etc.?)
- How is recycling/bins managed and is the property cleaned between each changeover before new guests arrive? Is this done by the applicant or an appointed cleaning company?)

Otherwise, please be advised that I have no records of planning permission having been sought nor granted for a change of use of this property for use as a short term holiday let. Neither does it benefit from a Certificate of Lawfulness.

Regards

Neil

From: Short Term Lets <stl@eastlothian.gov.uk>
Sent: Thursday, March 21, 2024 11:04 AM
To: Building Standards <buildingstandards@eastlothian.gov.uk>; Raselli, Gail <graselli@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Parking <parking@eastlothian.gov.uk>; Lothian and

Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk)

<lothianscotborderslicensingeastmid@scotland.pnn.police.uk>

Subject: Short Term Let EL00429 St Aidans, Abbotsford Road, North Berwick EH39 5DB

Good Morning,

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

Thanks

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

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



Lindsay, Arlene (Licensing)

From: Laura Cram [REDACTED]
Sent: 15 April 2024 08:50
To: Short Term Lets
Subject: Licensing inquiry Objection EL00429P

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 Licensing Officer

Further to my earlier emails objecting to the short term letting of St Aidans in Abbotsford Road, North Berwick, EH39 5DB.

I note that on your public register it is now showing that an application (number (EL00429P) was submitted on 30 September 2023.

I have copied here the text of my original email of 6 October 2023, and the full email correspondence with your office appears beneath this email. No site notice was displayed (at least not anywhere that it could be seen, as we were looking out for it) and so we were not afforded the opportunity - as neighbours who have suffered horribly over the last few years as a result of large parties of noisy and intrusive visitors holidaying in this property - to object to the license application. My understanding is that display of a site notice is a legal requirement.

We live in [REDACTED] This is a beautiful peaceful spot in North Berwick.

We now however have a short term holiday let next door that has completely transformed our experience of living in this beautiful peaceful space.

The property, St Aidans, is regularly let out to very large groups. (14 max - though we have seen more there). It is advertised as being perfect for socialising and celebrating. <https://www.lettingsofdistinction.com/luxury-holiday-homes/145870-st-aidans> We have complained often to the owners who say that they won't let to party groups, but from our experience of living here, clearly they do. The owners live in Hong Kong.

Guests were allowed to come there during the CoVid lock down, we have had their guests come onto our property, we regularly have large groups of strangers looking in our windows and over our garden, we have had frequent large and noisy party groups wake us or keep us awake (even arriving with a drum to play in the garden). We are often woken by early morning screaming of large excited groups of children. We can't leave our windows open in the summer because of the noise in the garden.

Our privacy, sleep, property and general life quality should not be subject to whoever arrives on any given week. We should be able to sleep with our windows open and not have to dread what Thursdays (changeover) might bring.

Even non 'party' groups are on holiday and not living to normal schedules. Just by the nature of being enormous groups, often here for an excited celebration, they are way louder than normal households. Sometimes 4 families with children arrive, all hugely excited to be together. As you'd expect, the noise levels as adults start drinking and children run wild is just not in any way equivalent to living next to a family home with the normal toing and froing of family life with the expected occasional celebrations. This is a commercial undertaking in a residential area.

We understood that these properties required a license to let now, and expected to see a notice of application to which we planned to object. We have not though seen any notifications. We really cannot continue to live like this.

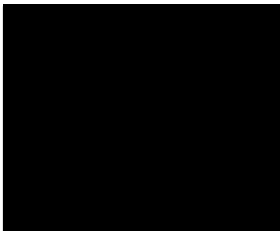
I'd appreciate if you could let me know how we can object and what controls the council has in place to protect residents from this type of disruption to their lives.

I would very much appreciate formal acknowledgement of our objection to the issuing of a short-term letting licence for this property and would welcome any information as to any further steps we can take to have our home life restored and undisturbed by this inappropriate large-scale letting operation in an otherwise extremely quiet residential street.

Thank you for your attention. I appreciate how challenging this process must be to manage.

Kind regards

Laura Cram



From: Short Term Lets <stl@eastlothian.gov.uk>
Subject: RE: Licensing inquiry
Date: 6 October 2023 at 10:32:40 BST
To: Laura Cram [redacted]

Hi

Yes you can object back to this email address.

Regards

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

NHS Coronavirus Information

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

From: Laura Cram [redacted]
Sent: 06 October 2023 10:00
To: Short Term Lets <stl@eastlothian.gov.uk>
Subject: Licensing inquiry

We live in [redacted] This is a beautiful peaceful spot in North Berwick.

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We understood that these properties required a license to let now, and expected to see a notice of application to which we planned to object. We have not though seen any notifications. We really cannot continue to live like this.

I'd appreciate if you could let me know how we can object and what controls the council has in place to protect residents from this type of disruption to their lives.

Kind regards

Laura Cram

From: Parking
Sent: 27 June 2024 09:42
To: Short Term Lets
Subject: RE: Short Term Let EL00429 St Aidans, Abbotsford Road, North Berwick EH39 5DB

Hi,
I have no objection to this application.

Kind Regards

Grant Talac
The Parking Team
East Lothian Council



From: Short Term Lets <stl@eastlothian.gov.uk>
Sent: Wednesday, June 26, 2024 10:57 AM
To: Parking <parking@eastlothian.gov.uk>
Subject: FW: Short Term Let EL00429 St Aidans, Abbotsford Road, North Berwick EH39 5DB

Hi, an update on this one please.

Thanks Arlene

From: Short Term Lets <stl@eastlothian.gov.uk>
Sent: Thursday, March 21, 2024 11:04 AM
To: Building Standards <buildingstandards@eastlothian.gov.uk>; Raselli, Gail <graselli@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Parking <parking@eastlothian.gov.uk>; Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>
Subject: Short Term Let EL00429 St Aidans, Abbotsford Road, North Berwick EH39 5DB

Good Morning,

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