

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

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

East Lothian Council  
Licensing  
26 SEP 2023  
Received

## PART 1: ABOUT YOU

Are you applying as an individual or corporate entity?

Individual  Corporate Entity

1b

Fill in if you are applying as an individual:

Your full name MRS LUCY A. DEELEY

Date of birth [REDACTED]

Place of birth [REDACTED]

Home Address [REDACTED]

[REDACTED]

Postcode [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):

	Full name	Date of birth	Addresses (last 5 years)	Email	Tel. No.
1)	MR DAVID RODGER				
2)	MR PAUL RODGER (APRIL 2023)				
	MR PAUL RODGER (as above) (2017-2023)				

**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 ELO - 1255704-23 (IN-PROGRESS)

Existing licence expiry date \_\_\_\_\_

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

Previous licence number \_\_\_\_\_

Previous licence expiry date \_\_\_\_\_

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

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

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

Yes  No  N/A

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

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### PART 3: PREMISES DETAILS

Premises Address 2E, EAST ROAD, NORTH BERWICK

Postcode EH39 4MN

Unique Property Reference Number (if known) 138002136

EPC Rating\* BAND 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 3 Bed/Sitting rooms 1

Bathrooms 2 Kitchens 1

Lounges 1

Other (please specify) GROUND FLOOR OFFICE ROOM (NOT LET)

Specify the maximum number of guests 7 guests  
(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: N/A

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: 27/9/2028
Electrical Installation Condition Report	Valid to: 16/9/2028
Portable Appliance Testing Report	Valid to: 16/9/2028
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: 10/11/2030
Public Liability Insurance	Valid to: 20/4/2024
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)	✓



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

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

## 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.

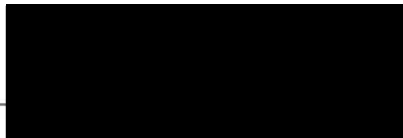
Anyone who gives false information on this form, or fails to provide the information required by this form, is committing an offence which could lead to prosecution.

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

NUL7 DEELE1

Date

SEPT 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 response

Planning Authority – See application 23/01214/P decision notice

Environmental Services – No response

Police Scotland – No objection

SFRS – No response

App No. 23/01214/P

**EAST LOTHIAN COUNCIL  
DECISION NOTICE**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
TOWN AND COUNTRY PLANNING  
(DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Mrs Lucy Deeley



**APPLICANT: Mrs Lucy Deeley**

With reference to your application registered on 29th January 2024 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

**Change of use of flat to short term holiday let (Retrospective)**

**at  
2E East Road  
North Berwick  
East Lothian  
EH39 4HN**

East Lothian Council as the Planning Authority in exercise of their powers under the above-mentioned Acts and Regulations hereby **REFUSE PLANNING PERMISSION** for the said development.

The reasons for the Council's refusal of planning permission are:-

- 1 The holiday let use of the flatted property is incompatible with and harmful to the amenity of the occupants of other flatted properties used as residential dwellings within the residential building of 2 East Road and as such is contrary to part e) of Policy 30 of National Planning Framework 4 and Policy RCA1 of the adopted East Lothian Local Development Plan 2018. No material planning considerations outweigh this conflict with the Development Plan.

The report on this application is attached to this Decision Notice and its terms shall be deemed to be incorporated in full in this Decision Notice.

Details of the following are given in the application report:

- the terms on which the Planning Authority based this decision;
- details of any variations made to the application in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997.

The plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
PR24.005.P.001	-	29.01.2024
PR24.005.P.002	-	29.01.2024

**22nd March 2024**



Keith Dingwall  
Service Manager - Planning

## NOTES

If the applicant is aggrieved by the decision to refuse permission for the proposed development, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to the Clerk to the Local Review Body, Committee Team, Communications and Democratic Services, John Muir House, Haddington, East Lothian EH41 3HA.

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

ELOOZSIP

**Rafferty, Alison (Licensing)**

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**From:** Jane Thomas [REDACTED]  
**Sent:** 09 October 2023 14:48  
**To:** Short Term Lets  
**Subject:** Short term let complaint 2E East Road, North Berwick

[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.

Hello

I am writing to object to the application for the use of this property as a short term let. As a neighbour in the [REDACTED] block, I am negatively impacted by the continual disruption of the shared space in front of The Lodge being used for access to the short term let.

>

> I am attaching photographs to illustrate the problem with dangerous car parking in the public area.

>

> As you can see, this car (which was parked for several hours on 9 September, it wasn't simply dropping off) was obscured to people walking down from the gardens through the archway, it was very dangerous because it was a busy day in terms of pedestrians and the car was able to reverse without being able to see who was walking through the archway. The driver also left the gates open for several hours.

>

> While occasional deliveries of large items are made through this gate, they are always shut immediately which is vital because the public with small children and dogs are used to having a safe boundary here to make sure they can accompany them safely across the road beyond. This issue has been raised on several occasions with the owner of 2E who insists that the cars are only dropping off but they do not live locally and therefore cannot see that this is not the case.

I am also objecting on the basis that it is not appropriate to have a short term let accessed from a shared stair. The communal responsibilities of a shared access are not properly maintained under this arrangement.

Finally, this property was previously leased as a long term let. The young family occupying it were made homeless when the owner insisted they leave so that the flat could be used as a short term let. There is a crisis of long term let availability in North Berwick and this property is better suited to a long term rather than short term let.

>

> All the best

>

> Jane

>

>

>

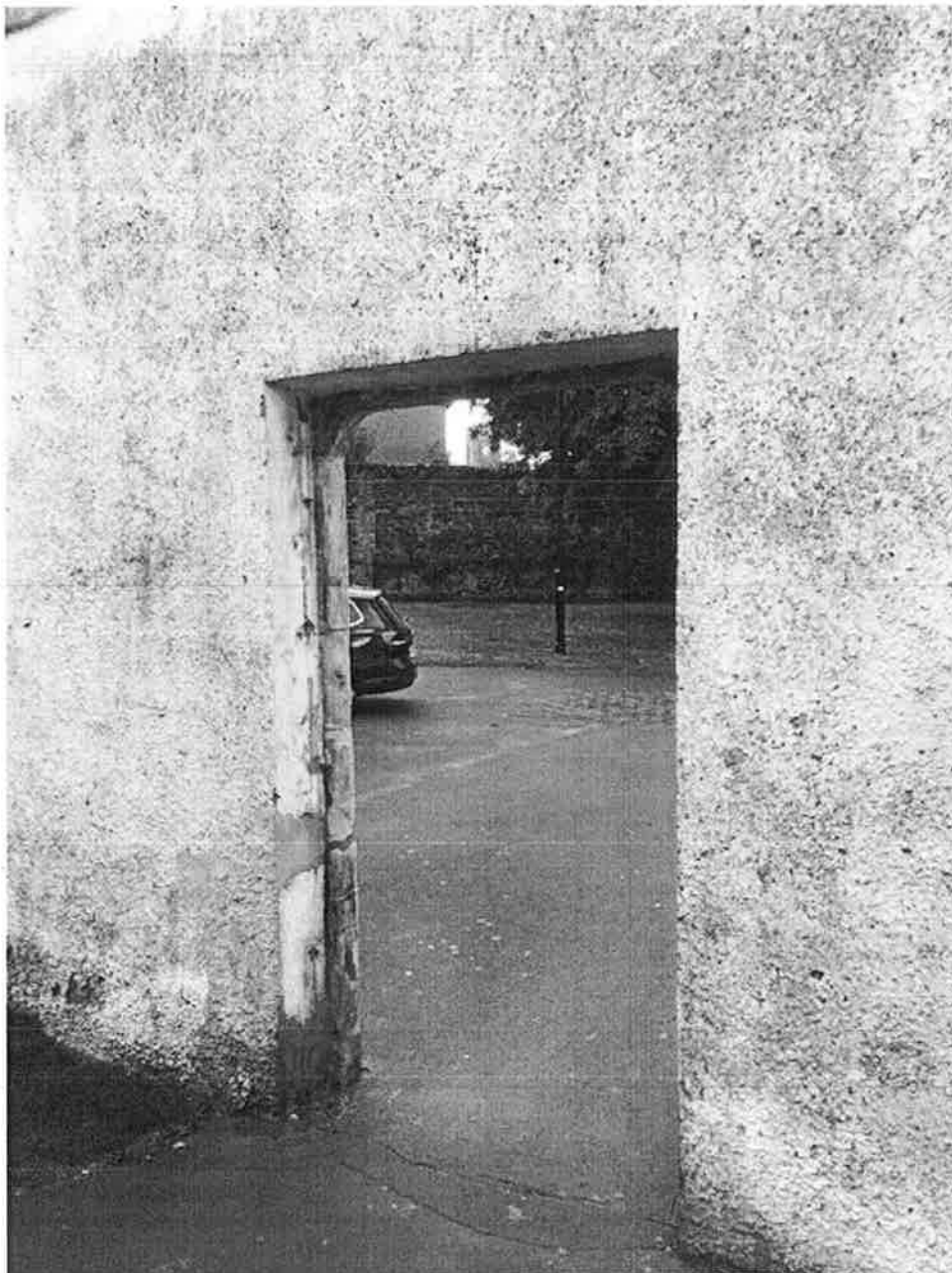




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**Rafferty, Alison (Licensing)**

objections.

**From:** Licensing  
**Sent:** 17 October 2023 14:52  
**To:** Short Term Lets  
**Subject:** FW: Application for Short Term Let Licence for Flat E the Lodge. North Berwick  
**Attachments:** FFlat E Licence.docx

**From:** William F L Bigwood [REDACTED]  
**Sent:** 17 October 2023 14:33  
**To:** Licensing <licensing@eastlothian.gov.uk>  
**Subject:** Application for Short Term Let Licence for Flat E the Lodge. North Berwick

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.

Attached are the representations made by William F L Bigwood and Anne R Bigwood of Flat [REDACTED] concerning the application made by Lucy Deely, 22 Dovecote Road Edinburgh for a Short Term Let Licence.

William F L Bigwood

DRAFT

The Planning Officer  
East Lothian Council

Dear Sir

Licence for Sort term lets in Flat B The Lodge, 2 East Road, North Berwick

My wife and I, the owners of Flat ■■■ which which is one of three flats in the ■■■■■ understand that Mrs Lucy Deeley, who is either owner or one of the owners of the above flat, will shortly be applying or has applied for a licence to continue using the above property to provide short term lets.

We oppose the granting of such a licence for the following reasons:

- 1) The title deeds of our Flat ■■■ and we believe that these apply to all flats in the Lodge complex, expressly forbid the use of these flats for the running of any business, and we believe that Mrs Deeley is running Flat E as a business (and in fact has expressly said so to us). We understand that these title deeds were imposed as the result of an agreement made in 1962 between the National Trust for Scotland and North Berwick Town Council when the National Trust bought the property from the Council.
- 2) Flat E is on the first floor and shares an entrance to both the other flats and a common stair with Flat A above it. It also shares a common area on the ground floor which contains storerooms for all three flats and also for the Coach House at 1 Kirk Ports. The waste bins and recycling boxes for all three flats are also kept there. We believe that there is a security risk in giving access to this space to short term tenants.
- 3) Because this building is in a public park we have had difficulties in the past with strangers coming into the building thinking that it is a public place, if outer doors are left open. Short term tenants often leave doors open not realising the problem.
- 4) For reasons that we do not fully understand, over the past 27 years that we have owned Flat ■■■ we have had a history of flooding from Flat E into Flat ■■■ and the storage area. Serious damage can be prevented if there is a long-term tenant or owner resident in Flat E. With short term tenants the situation can be more difficult, particularly as the present owners of Flat E do not live in North Berwick. Such difficulties have occurred twice in the last twelve months.
- 5) There is also a problem with short term tenants over disposal of waste and materials for recycling. Understandably, these tenants do not know the rules for disposal of the various categories, which can sometimes mean that everything is consigned to the green bin and this can go unemptied for 4 weeks.

## Rafferty, Alison (Licensing)

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**From:** Licensing  
**Sent:** 12 October 2023 16:01  
**To:** Short Term Lets  
**Subject:** FW: Short term lets

251  
ELOO 215 P

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

**From:** Alan Hanratty [REDACTED]  
**Sent:** 12 October 2023 15:36  
**To:** Licensing <licensing@eastlothian.gov.uk>  
**Subject:** Re: Short term lets

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Hi  
The full postal address of the apartment I wish to object to is:

2E the lodge  
East road  
North Berwick  
Eh394hn

Alan

> On Oct 12, 2023, at 2:19 PM, Licensing <licensing@eastlothian.gov.uk> wrote:  
>  
> Further to your email below  
> We would require the full postal address of the property you are wishing to object to.  
>  
> Licensing Team

> -----Original Message-----

> **From:** Alan Hanratty [REDACTED]  
> **Sent:** 12 October 2023 13:46  
> **To:** Licensing <licensing@eastlothian.gov.uk>  
> **Subject:** Short term lets

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

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

> I wish to complain about the application for a short term let at 2E  
> east road North Berwick Eh394hn, the middle apartment of this 3  
> apartment block

> I reside in [REDACTED] the apartment [REDACTED] 2E

> This grade B listed building has a communal stairwell shared by 3

> apartments

>

> The occupants of the lower apartment are 90 years old, I am 75 years old It is very disconcerting to see people on the stairwell and have no idea who they are.

>

> Alan

>

> \*\*\*\*\*

> \*\*\*\*\*

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