

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

APPLICATION FOR GRANT / RENEWAL OF SHORT-TERM LET LICENCE

1c

PART 1: ABOUT YOU

Are you applying as an individual or corporate entity?

Individual

Corporate Entity

Fill in if you are applying as an individual:

Your full name _____

Date of birth _____

Place of birth _____

Home Address _____

Postcode _____

Tel. No. _____ Email address _____

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

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

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

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

Yes No

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

Full name _____

Date of birth _____

Tel. No. _____ Email address _____

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

Joint Ownership

Is your property jointly owned? Yes No

If you answered yes, please provide details for all joint owners.

Joint owner(s) (continue on a separate sheet if necessary):

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

Individuals, please go to Part 2.

Corporate entities

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

Corporate entity name Caddlyshacks Ltd

Limited company number (if applicable) Sc696406

First name and surname JOSEPH AVENT

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
JOSEPH WALTER AVENT			
ROBERT SWORD AVENT			
STUART MURRAY NIGEL HADDOW			

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).

N/A

PART 3: PREMISES DETAILS

Premises Address 23 BRIGHTON TERRACE, GULLANE

EAST LOTHIAN Postcode EH31 2AE

Unique Property Reference Number (if known) _____

EPC Rating* C

** (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 4 Bed/Sitting rooms 0

Bathrooms 4 Kitchens 1

Lounges 1

Other (please specify) UTILITY ROOM

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

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

Yes

No

PART 4: CONVICTIONS

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

NAME	DATE	COURT	OFFENCE	SENTENCE

PART 5: APPLICATION CHECKLIST

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

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: 04/09/2024
Electrical Installation Condition Report	✓	Valid to: 06/06/2027
Portable Appliance Testing Report	✓	Valid to: 25/01/2024
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: 22/12/2032
Public Liability Insurance	✓	Valid to: 31/08/2024
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)		✓

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.	✓
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	✓

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

JOSEPH AVENT

Date

25 | 09 | 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

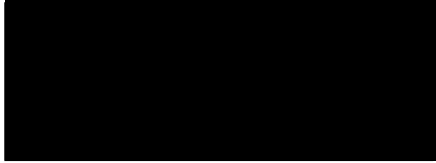
Parking team – No response

Planning Authority – See explanation of current situation

Environmental Services – No response

Police Scotland – No objection

SFRS – No objection



Sheila Fitzpatrick
Team Leader – Licensing and Landlord Registration
East Lothian Council
John Muir House
Brewery Park,
Haddington
East Lothian EH41 3HA

19 May 2024

PRIVATE & CONFIDENTIAL

Dear Sheila

Objection To Short Term Let License for 2B Brighton Terrace reference EL00221P by Caddyshacks Limited

Thank you for your email of 9 May 2024 regarding the above.

Further to my correspondence by email of 5 October 2023 objecting to the proposed short term let license, new situations have come to light since then. I would therefore like to add these new circumstances as objections and for them to be taken into account when you consider the above application.

1. Licensing Application Does Not Meet East Lothian STL Council Rules And Has Been Deemed Not Lawful By East Lothian Council.

On 8 April 2024 Caddyshacks Limited was been rejected for a CLUD, which it seemingly applied for to avoid having to apply for planning permission.

The short term let regulation was common knowledge and indeed published widely on 20th March 2020. This conversion and change of use of 2B Brighton Terrace was carried out during the period in from July 2021 to June 2022 in full knowledge of the requirements but without an intent to apply for a material change of use or any other planning permission.

The East Lothian Council website states:

https://www.eastlothian.gov.uk/info/210571/licensing/12730/short-term_lets_licensing

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. You will then have three months from the date of your application for a STL licence, to lodge an application for Planning Permission or a CLUD. In the event Planning Permission or a CLUD is not granted, the licence application fee will not be refunded.

The property at 2B was not operating as a short term let business when I purchased my property at 2A, so they applied for a CLUD knowing that they did not have 10 years' use as a short term let as they only bought it in 2021.

Where a residential property becomes that of a commercial operation by a Limited Company then this is a material change of use. In the CLUD decision East Lothian Council Planning they confirmed that there had been a material change of use and that their "use of the flat as a short term holiday let has not been proven to be lawful".

Our Ref: 24/00125/CLU
Ask For: Neil Millar
Tel: 0162082 7383
Your Ref:
Date: 8th April 2024

Mr Joe Avent
c/o STL Solutions
Per Craig Douglas
Halo Building
Hill Street
Kilmarnock
East Ayrshire
KA1 3HY

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997: SECTION 150
DECISION ON APPLICATION FOR CERTIFICATE OF LAWFULNESS OF USE
OR DEVELOPMENT**

PROPOSAL: qCertificate of lawfulness for an existing use - short term holiday let
LOCATION: 2B Brighton Terrace East Links Road Gullane EH31 2AE

I refer to your application for a Certificate of Lawfulness of Use or Development under the Town and Country Planning (Scotland) Act 1997 Section 150, reference no 24/00125/CLU

I write to advise you that the Council has decided, on the basis of the facts presented in the application, to refuse a Certificate of Lawfulness for the proposed use or development.

The reasons for the Council's decision are as follows:

It has not been demonstrated that the use of the flat as a short term holiday let is not a material change of use that does not require planning permission or that the flat has been in use as a short term holiday let for a continuous period of 10 years or more.

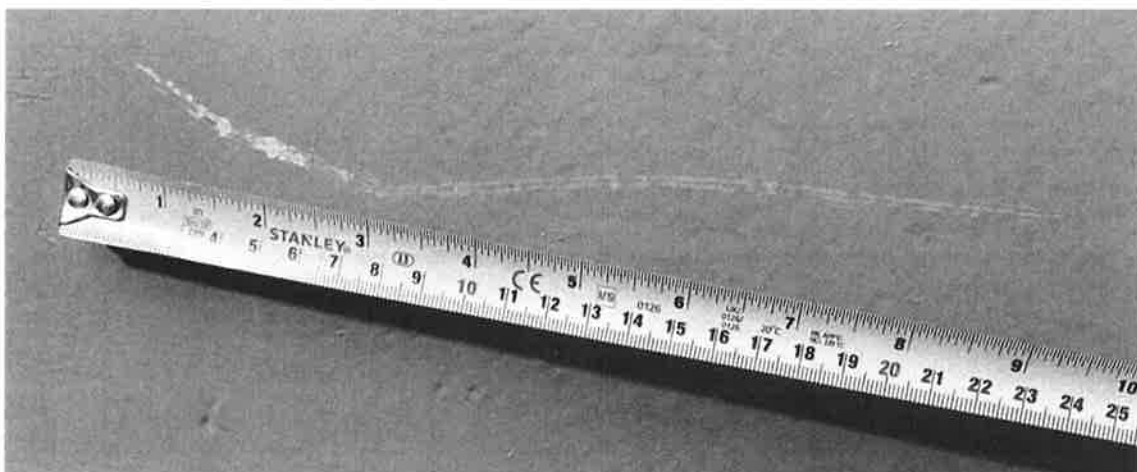
The existing use of the applicant's flat as a short term holiday let has not been proven to be lawful under Section 150 of the Town and Country Planning (Scotland) Act 1997 (as amended). Accordingly, this application should therefore be refused and a Certificate of Lawfulness should not be issued.

The Applicants also had a statutory obligation to advertise display a notice of application stating that an application for a short-term let licence has been made. To my knowledge this has not been done, unless they can provide photographic proof that it was. I was first aware of the STL application through the East Lothian Council website.

Therefore their license application should be declined as they have not met any of the requirements specified on the East Lothian council website and have clearly operated in a manner that they never intended to do so.

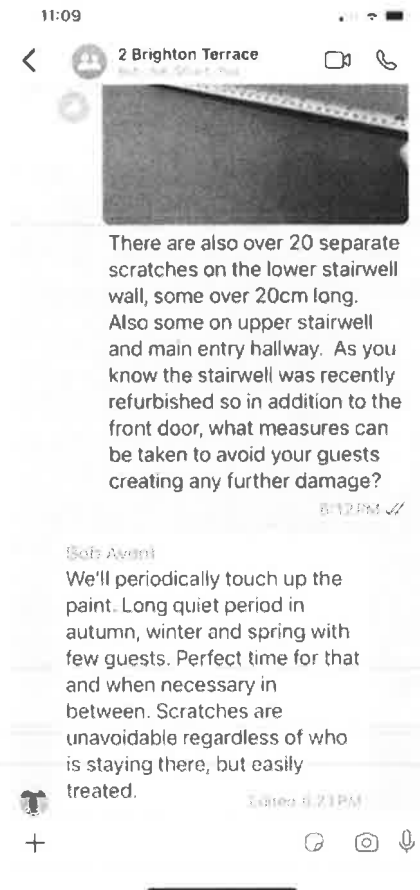
2. Damage To Stairwell & Door

On 30 April 2024 the guests staying at 2B broke the fascia board on the stairwell entrance door where the lock box is located and then scraped bags along the recently refurbished stairwell, creating over 20 scratches of up to 20cm long.



I reported this to Caddyshacks Limited as the applicant does not personally check guests out. Whilst there was no apology for the damage caused by their guests, the fascia board has since been repaired as they need it for the lockbox.

However their response to the stairwell damage was that this is part and parcel of operating commercially at 6-8 guests per visit. Their position is that this is 'unavoidable' and comes with the territory of running a commercial business with this volume of people in the stairwell. They agree to remedy this, but only in 6 months' time once all the other expected damage from the 250+ people they are hosting this year have been through.



They seem to accept that further damage will occur and that the shared resident of the stairwell will just have to accept this state of affairs.

This level of damage may be acceptable in a commercial environment, but is not acceptable in a residential building over any time frame. Nor is it acceptable that the resident who arranged the refurbishment and shared the cost will have to put up with all this damage for 6 months before any action is taken.

This is the clearest example why operating an unlicensed and unlawful commercial business is incompatible with a residential building and why the short term let license application should be declined.

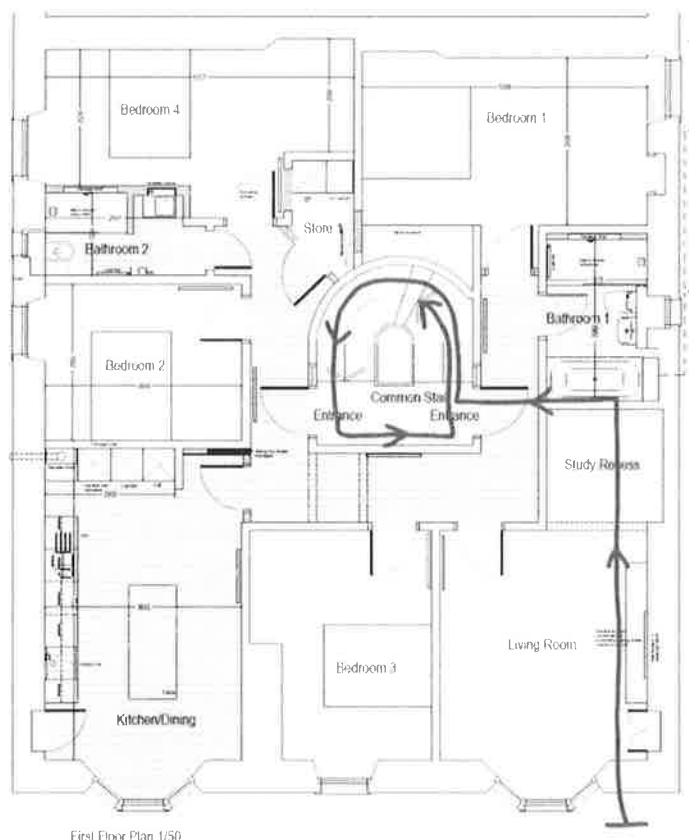
3. Continued Disturbances In The Property

The STL was brought into place to protect those in a shared residential stairway from such noise and upset that can result from short term lets. To date none of the measures that this commercial developer has put in place has alleviated the problem from inside the flat and in the stairwell. This will always be an issue as 2B is a residential property for 1 to 4 people that was not designed to be a commercial property to host 6 to 8 people.

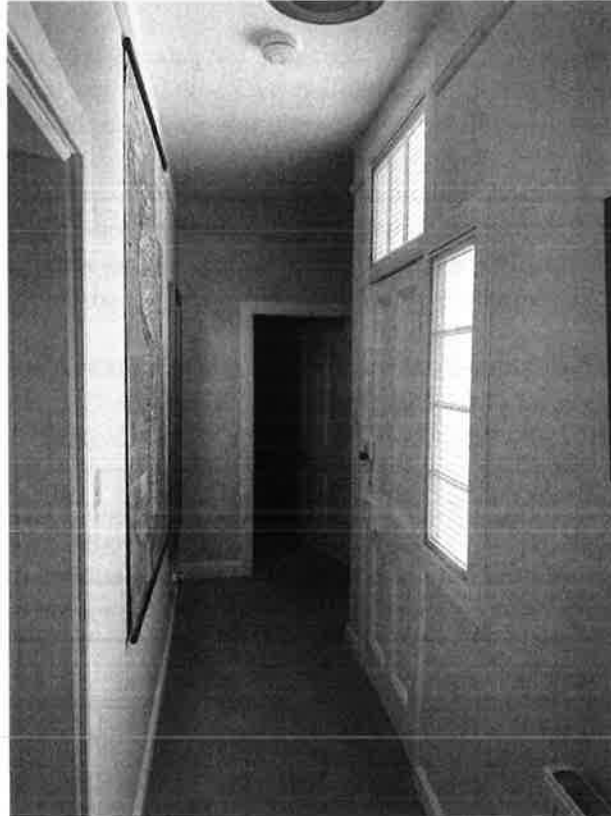
At no point in the booking, checking in or checking out process are guests met face to face by a representative of Caddyshacks Ltd to establish their suitability or to remind them of their obligations to neighbours. Everything is done remotely as the applicant does not live in the local area.

I therefore now have to remind almost every set of guests to moderate the noise they are creating in the stairwell and from slamming doors as any notices and noise monitoring equipment installed by these commercial developers is simply not working.

This is especially true of the shared stairwell because the unique design of 2 Brighton Terrace sees the stairwell in the centre of the building around which the flats are located. Therefore guests do not simply 'pass' the first floor door along a single corridor. Instead, you hear the front door open as they come in under the lounge and then climb the stairs in a circular motion through the centre of the entire flat and go past BOTH entry doors into the first floor flat (see red line on image below). The noise of up to 8 people entering and leaving the premises is heard throughout the flat because the stairwell is bounded on every side by the first floor flat and it acts as an echo chamber. There is no noise monitor in the stairwell.



There is also significant light disturbance throughout the property from the stairwell lights after the hours of darkness through the fanlights around the doors, despite the presence of privacy screens to minimise this. The pattern of entry and exit to the short term let at 2B is markedly different to residential use. The picture below was taken with every other light off at 11pm to illustrate the degree to which a pitch-black hallway is illuminated up by guests using the internal stairwell.



The continued disruption affects the amenity of the property that would not exist if the upstairs flat was occupied by a resident who operated on a normal residential timescale and would understand how to live in a shared tenement.

In terms of the legal requirements for a short term let, who is responsible for fire risk of the shared stairwell if a commercial license is granted? Should this be granted can we assume the council take responsibility given we would be permitting the current developer to waive the requirements that all other short-term tenancies adhere to including that of fire risk assessments in a block of residential flats?

4. Reduced Access To Parking

In Brighton Terrace there is space for 11 cars, in addition to the 3 on road spaces for the shop and the church use. This is shared between the 6 properties that have access to the street so less than 2 spaces each. With 6 to 8 guests for each stay at 2B Brighton Terrace there are regularly 3 to 4 cars using these spaces which means that the permanent residents cannot park outside their own properties.

5. Lack Of Community

I moved to Gullane 2 years ago to be part of the community and due to a shortage of suitable accommodation it took almost a year to find the property at [REDACTED] I was happy to share a building with a fellow residential tenant and be part of that community. The neighbours who share the adjacent properties form a small community who get along and look out for each other. They are also impacted by some of the points that I raise here.

The short term let guests contribute nothing towards this community and reduce the available housing stock for permanent residents. Myself and all the neighbours frequently have to intervene with short term let guests who are not familiar with tenement life in a shared building, especially those from overseas. The permanent residents support the local community, shops and businesses for 12 months of the year, rather than for short period in the summer and build a better village community for the future.

I would be willing to discuss any of the points above in more detail if required.

Yours sincerely

[REDACTED]

Martin Hopley

Rafferty, Alison (Licensing)

From: Martin Hopley [REDACTED]
Sent: 05 October 2023 16:16
To: Short Term Lets
Cc: Licensing
Subject: Short Term Lets License Objection

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.

Licensing Officer
East Lothian Council
John Muir House
Brewery Park,
Haddington
East Lothian EH41 3HA

5 October 2023

Dear Sir/Madam

I am writing to object to an application for a Short Term Let license by Flat B, 2 Brighton Terrace, Gullane, EH31 2AE.

Flat B is the second floor flat [REDACTED] and we share a circular communal stairwell in the centre of the building that our flats go around on all sides, a bit like the shape of a doughnut.

My objection is based on the detrimental effect short term letting business has on the amenity of the residential building due to the following reasons:

- I live alone and am approaching retirement and the constant presence of 250-300 random strangers a year in a private stairwell is unnerving and on occasions I have been concerned for my safety. The owners run their short term let business remotely using lock boxes and wireless locks and there is no in-person vetting or meeting of clients. On occasion clients have knocked on my door in the evening when they have been unable to gain access to Flat B which is disruptive and stressful. Some have been under the influence of various stimulants at the time which does little to alleviate these feelings.
- Due to the nature of the people staying there, there are regular patterns of noise outside of normal waking hours. This includes clients returning at 10.30-12pm making noise in the central stairwell and slamming the main door and flat doors. It also includes 5-6am noise as they exit to make early flights from Edinburgh airport, both from the flat and in the stairwell as flight bags are bounced down the stone stairs. This pattern of out of hours noise happens most nights, most weeks of the year, particularly in the summer and it is affecting the amenity and quality of life in the building.
- There have been multiple occasions where noise consisting of music, TV, singing and shouting has continued past the hours of midnight. Each year I am concerned with what might happen during the peak holiday and festive season and am getting to the stage where I wonder if I have to move out over New Year to ensure security and peace.
- Clients may bring pets and there have been instances of dogs barking whenever I used the stairwell, which is not only disruptive but also a safety concern.
- Despite notices for clients to the contrary, washing machines and tumble dryers are run overnight which can be heard throughout the building.

- Other neighbours in the next door building have mentioned clients knocking on their main door as they incorrectly return to the wrong address.

The ongoing disruption and noise from the business of short term letting is inconsistent with the shared nature of a residential building and has a detrimental effect on the amenity for those of us who are permanent residents in Gullane village and that is why I am writing to oppose the granting of a Short Term Let licence for Flat B.

If you could confirm the safe receipt of this email I would appreciate it. Thank you

Yours faithfully

Martin Hopley



