

County Buildings
Wellington Square
AYR KA7 1DR
Telephone No.01292 612169



17 August 2023

To:- Councillors Bell (Chair), Cavana, Clark, Dixon, Hunter, Kilbride, Kilpatrick, Mackay and Townson.

All other Members for Information Only

Dear Councillor

REGULATORY PANEL (LICENSING)

You are invited to participate in the above hybrid webcast Panel to be held on **Thursday 31 August 2023 at 10.00 a.m.** for the purpose of considering the undernoted business.

Please note that a briefing meeting will take place for all Panel Members at 9.15 a.m., online and in the Prestwick Room.

This meeting will be held on a hybrid basis, remotely and in County Hall and will be live-streamed and available to view at <https://south-ayrshire.public-i.tv/>

Yours sincerely

CATRIONA CAVES
Head of Legal and Regulatory Services

B U S I N E S S

1. Declarations of Interest.
2. Minutes of previous meeting of 22 June 2023 (copy herewith).
3. Civic Licensing Standards Officer Update.
- 4./

4. Civic Government (Scotland) Act 1982 - Applications for Licences - Consider applications for licences in respect of which adverse comments have been received in terms of the accompanying reports, namely:-

- (a) Taxi Drivers.**
- (b) Private Hire Drivers.**
- (c) Taxi Vehicles.**
- (d) Private Hire Vehicles.**
- (e) Street Traders**
- (f) Short Term Lets**

Submit reports by Head of Legal and Regulatory Services (copies herewith - members only).

For more information on any of the items on this agenda, please telephone Janice McClure, Committee Services, on 01292 612169, at Wellington Square, Ayr or e-mail: committeeservices@south-ayrshire.gov.uk
www.south-ayrshire.gov.uk

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REGULATORY PANEL

Minutes of a hybrid webcast meeting of
22 June 2023 at 10.00 a.m.

- Present in
County Hall: Councillors Kenneth Bell (Chair), Ian Cavana, Alec Clark and Martin Kilbride.
- Present Remotely: Councillors Mark Dixon, Mary Kilpatrick and Craig Mackay.
- Apologies: Councillors Brian Connolly and Duncan Townson.
- Attending: K. Briggs, Service Lead - Legal and Licensing; L. McChristie, Co-ordinator (Licensing); H. Talbot, Co-ordinator (Building Standards); C. Carroll, Co-ordinator (Housing Policy and Strategy) M. Headrick, Co-ordinator (Trading Standards and Environmental Health); G. Beattie, Fleet Inspector; J. McClure, Committee Services Lead Officer; and C. McCallum, Committee Services Assistant.
- Also Attending: D. Ross, Operations Manager, Ayr Racecourse; and R. Provan, Safety and Stadium Manager, Ayr United Football Club.

Chair's Remarks

The Chair

- (1) welcomed everyone to the meeting; and
- (2) outlined the procedures for conducting this meeting and advised that this meeting would be broadcast live.

1. Sederunt and Declarations of Interest.

The Service Lead – Legal and Licensing called the Sederunt for the meeting and having called the roll, confirmed that there were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

2. Minutes of Previous Meeting

The [minutes](#) of 25 May 2023 (issued) were submitted and approved.

3. Annual Inspection and Revised Safety Certificates for the Regulated Stands at Ayr Racecourse

There was submitted a [report](#) (issued) of 12 June 2023 by the Depute Chief Executive and Director of Housing, Operations and Development advising of the outcome of the annual technical inspections at Ayr Racecourse; and seeking approval to extend the existing Safety Certificates for the two stands.

The Panel heard the Co-ordinator (Building Standards) advise that a site visit had been undertaken on 12 May 2023 and that all assessments, surveys, certification and reports were now in place; and that Police Scotland, Scottish Fire and Rescue, Scottish Ambulance Service, St. Andrew's Ambulance Corps and the Council's Building Standards Service and Environmental Health Service had no adverse comments.

Following a question from a Panel Member on plans for the Eglinton Stand, the Operations Manager, Ayr Racecourse advised that various options were being investigated to reinstate the Stand to full capacity.

Having heard Panel Members commend the officers of Ayr Racecourse for improvements made over the past few years, the Panel

Decided: to agree

- (a) that the current Safety Certificates should remain in force until 30 June 2023; and
- (b) that the revised Safety Certificates would come into force on 1 July 2023, for a period of one year.

4. **Annual Inspection and Revised Safety Certificate for Somerset Park, Ayr.**

There was submitted a [report](#) (issued) of 12 June 2023 by the Depute Chief Executive and Director of Housing, Operations and Development advising of the outcome of the annual technical inspections at Somerset Park, Ayr; and seeking approval to extend the existing Safety Certificates for the ground.

The Panel heard the Co-ordinator (Building Standards) advise that a site visit had been undertaken on 12 May 2023 and that all assessments, surveys, certification and reports were now in place; that Police Scotland, Scottish Fire and Rescue, Scottish Ambulance Service, St. Andrew's Ambulance Corps and the Council's Building Standards Service and Environmental Health Service had no adverse comments; and that any remedial works would be carried out to the satisfaction of the Council by 14 July 2023, prior to the beginning of the new football season.

A question was raised by a Panel Member regarding the north terrace and the Safety and Stadium Manager advised that an inspection would be carried out prior to each match with a Building Standards Officer to ensure the ground was safe.

Having heard Panel Members commend Ayr United FC on recent achievements, the Panel

Decided: to agree

- (i) that the current Safety Certificates should remain in force until 30 June 2023; and
- (ii) that the revised Safety Certificates would come into force on 1 July 2023, for a period of one year.

5. Civic Government (Scotland) Act 1982 - Licences

(a) Public Entertainment

M & M Theatrical Productions Ltd for Premises at 26 Green Street, Ayr KA8 8AD

The Panel heard from the Service Lead – Legal and Licensing in relation to this application.

Decided: to continue consideration of this application to a future meeting of this Panel to allow further information to be sought.

(b) Street Trader

Robert Bergen for Mobile Sale of Hot and Cold Food and Drinks

The Panel heard from the Service Lead – Legal and Licensing in relation to this application.

Decided: to continue consideration of this application to a future meeting of this Panel to allow further information to be sought.

(c) Short Term Lets

(i) 9 Seafield Drive, Ayr

The Panel heard from the Service Lead – Legal and Licensing, from the Co-ordinator (Housing Policy and Strategy) and from the applicant's representative in relation to the above application.

Decided: to approve this application subject to standard conditions previously agreed.

(ii) 17 Seafield Road, Ayr

The Panel heard from the Service Lead – Legal and Licensing, from the Co-ordinator (Housing Policy and Strategy) and from the applicant's representative in relation to the above application.

Decided: to approve this application subject to standard conditions previously agreed.

6. Exclusion of press and public.

The Panel resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, that the press and public be excluded from the remaining items, on the grounds that they involved the likely disclosure of exempt information in terms of paragraph 6 of Part 1 of Schedule 7A of the Act.

7. Civic Government (Scotland) Act 1982 - Licences

(a) Second Hand Dealers

(i) Fone Experts – Usman Ali for premises at 172 High Street, AYR, KA7 1PZ

The Panel heard from the Service Lead – Legal and Licensing, from the Co-ordinator (Trading Standards and Environmental Health) and from the applicant in relation to the above application.

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Council moved to a vote for or against the Motion.

Decided: by a majority, to approve this application for one year, subject to standard conditions previously agreed.

Councillor Mackay left the meeting at this point.

(ii) Hot Spot – Anjum Sohail for premises at 157 High Street, AYR, KA7 1QW

The Panel heard from the Service Lead – Legal and Licensing, from the Co-ordinator (Trading Standards and Environmental Health) and from the applicant in relation to the above application.

Decided: to approve the renewal of this application for one year subject to standard conditions previously agreed.

Councillor Clark left the meeting at this point.

(iii) Mobile Doctor – Anjum Sohail for premises at 163 High Street, AYR, KA7 1QT

The Panel heard from the Service Lead – Legal and Licensing, from the Co-ordinator (Trading Standards and Environmental Health) and from the applicant in relation to the above application.

Decided: to approve this application for one year subject to standard conditions previously agreed.

(b) Private Hire Vehicle

The Panel heard from the Civic Licensing Standards Officer and the Fleet Manager in relation to the proposed suspension of the licence currently held by Zamen Ali Mirzai (Licence number 21/00327/PHVL, Plate 17, Registration GF66 YPU); and heard from the licence holder in response.

Decided: that Mr Mirzai's vehicle continue to be tested every four months for the duration of his licence.

The meeting ended at 1.00 p.m.

SOUTH AYRSHIRE COUNCIL

REGULATORY PANEL

31 AUGUST 2023

TAXI DRIVER LICENCES

1. TALIB AFGHAN YAAR
2. JAMES McCRACKEN CADDIS
3. LORIMER JOHN SHAW
4. ROBERT ARWYN JONES
5. HUBERT MATUSZEWSKI
6. MARTIN DOLAN
7. LAUREN AGNES WHITE
8. ROBERT McINTOSH
9. JENNIFER RENNIE
10. THOMAS GILMOUR

SOUTH AYRSHIRE COUNCIL

REGULATORY PANEL

31 AUGUST 2023

TAXI DRIVER

1. **TALIB AFGHAN YAAR** New Application 23/00338/HCDL
Received 05.05.2023
- Licensing** For Continuation – No RTW check
2. **JAMES McCracken CADDIS** Renewal Application 23/00443/HCDL
Received 12.06.2023
- Licensing** Exemption Request for Mobility Assistance Duties
3. **LORIMER JOHN SHAW** Application 20/00329/HCDL
23/00574/HCDL Received 17.07.2023
Licence from 20.08.2020 to 19.08.2023
- Licensing** Exemption Request for Mobility Assistance Duties
4. **ROBERT ARWYN JONES** Application 21/00729/HCDL
Licence from 21.01.2022 to 20.01.2025
- Licensing** Failure to complete training
5. **HUBERT MATUSZEWSKI** Application 22/00065/HCDL
Licence from 10.03.2022 to 09.03.2025
- Licensing** Failure to complete training

SOUTH AYRSHIRE COUNCIL

REGULATORY PANEL

31 AUGUST 2023

TAXI DRIVER

6. **MARTIN DOLAN** Application 22/00151/HCDL
Licence from 08.04.2022 to 07.04.2025
Licensing Failure to complete training
7. **LAUREN AGNES WHITE** Application 22/00206/HCDL
Licence from 26.04.2022 to 25.04.2025
Licensing Failure to complete training
8. **ROBERT McINTOSH** Application 22/00388/HCDL
Licence from 28.07.2022 to 27.07.2025
Temp issued 15.06.2022
Licensing Failure to complete training
9. **JENNIFER RENNIE** Application 22/00389/HCDL
Licence from 21.06.2022 to 20.06.2025
Licensing Failure to complete training
10. **THOMAS GILMOUR** Application 22/00405/HCDL
Licence from 28.06.2022 to 27.06.2025
Licensing Failure to complete training

SOUTH AYRSHIRE COUNCIL

REGULATORY PANEL

31 AUGUST 2023

PRIVATE HIRE DRIVER LICENCE

1. ROBERT FRY

SOUTH AYRSHIRE COUNCIL

REGULATORY PANEL

31 AUGUST 2023

PRIVATE HIRE DRIVER

1. **ROBERT FRY**

New Application 23/00570/PHDL

Received 14.07.2023

Police

Representation Letter

Licensing

DVLA Check shows 6 points on Licence

SOUTH AYRSHIRE COUNCIL

REGULATORY PANEL

31 AUGUST 2023

TAXI VEHICLE LICENCE

1. CATHERINE MARIE WILKIE

SOUTH AYRSHIRE COUNCIL

REGULATORY PANEL

31 AUGUST 2023

TAXI VEHICLE

1. **CATHERINE MARIE WILKIE**

New Application 22/00891/HCVL

Received 08.11.2022

Licensing

No Vehicle added/tested – for Refusal

SOUTH AYRSHIRE COUNCIL

REGULATORY PANEL

31 AUGUST 2023

PRIVATE HIRE VEHICLE LICENCE

- 1. PAUL ARMSTRONG**

SOUTH AYRSHIRE COUNCIL

REGULATORY PANEL

31 AUGUST 2023

PRIVATE HIRE VEHICLE

1. **PAUL ARMSTRONG**

Application 22/00903/PHVL

Licence from 17.12.2022 to 01.12.2023
Vehicle reaches 7 years old on 01.12.2023

Licensing

Request for Extension to Licence

SOUTH AYRSHIRE COUNCIL

REGULATORY PANEL

31 AUGUST 2023

STREET TRADER LICENCE

1. MATT PURRINGTON

SOUTH AYRSHIRE COUNCIL

REGULATORY PANEL

31 AUGUST 2023

STREET TRADER

For guidance of Members the current policy on Street Traders is:-

Charitable applications for Street Trading within Ayr Town Centre will be determined under delegated powers granted to the appropriate officers of South Ayrshire Council.

Commercial applications for Street Trading will be subject to the undernoted conditions:-

(a) all South Ayrshire wide grants of licences exclude Ayr Town Centre; and

(b) all applications for Ayr Town Centre be referred to the Regulatory Panel for determination;

There is a presumption against the grant or renewal of Street Trader Licences for Commercial activities in

Ayr Town Centre although all such applications be considered on their respective merits

Except as otherwise directed by the Council as aforementioned, no street trader shall engage in street trading within 50 metres of any establishment or premises in which are sold or offered for sale any goods or articles or services of the same or similar class and description as those to be sold or offered for sale by the street trader. The Council may in their sole discretion and on application direct that the terms hereof shall not apply to a particular street trader in a particular street or locality or area.

The standard licence **excludes seafronts at Ayr, Troon, Prestwick and Girvan and Ayr Town Centre**

1.	MATT PURRINGTON	New – 23/00361/STRPRN App. Rec'd – 16.05.2023
	Registration Number of Van	KC54 BWU
	Location	Mobile
	Hours applied for	9am to 11pm – Monday to Sunday
	Nature of goods/service	Hot and Cold Foods and Snacks. Hot and Cold Drinks
	Police	No Objections
	South Ayrshire Council	
	Environmental Health	No Reply – Vehicle failed MOT and requires work to be carried out.
	Licensing	For Continuation

Not for publication by virtue of
Paragraph 6 of Part 1
Of Schedule 7A of the Local
Government (Scotland) Act 1973

SOUTH AYRSHIRE COUNCIL

REGULATORY PANEL

31 AUGUST 2023

SHORT TERM LETS

1. 47 AYR ROAD, PRESTWICK
2. 1A CASSILLIS STREET, AYR

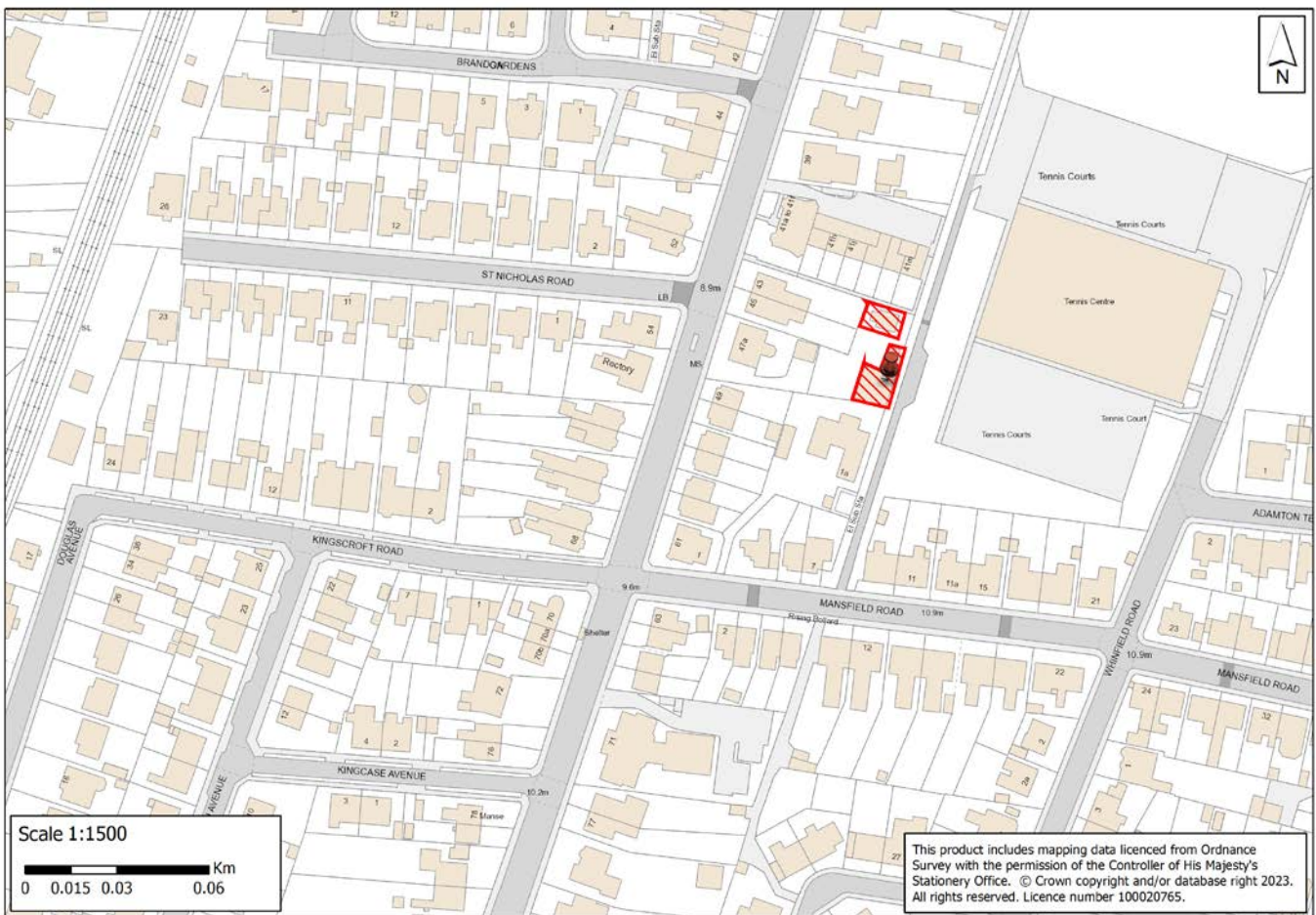
REGULATORY PANEL (LICENSING): 31 AUGUST 2023

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

SA00061P
'THE ANNEX'
47 AYR ROAD
PRESTWICK
KA9 1SY

Location Plan

APPLICATION SITE 



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REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL (LICENSING): 31 AUGUST 2023

SUBJECT:	APPLICATION UNDER THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (LICENSING OF SHORT-TERM LETS) ORDER 2022 (“THE ORDER”)
APPLICATION REF:	SA00061P
SITE ADDRESS:	‘THE ANNEX’ 47 AYR ROAD PRESTWICK KA9 1SY
LICENSE TYPE:	Secondary Let
PROPERTY TYPE:	Detached
APPLICATION RECEIVED:	3rd May 2023

1. Purpose

- 1.1. This application is referred to the Regulatory Panel (Licensing) under Paragraph 7.2.1 of South Ayrshire Council’s Short Term Let Licensing Scheme as the application has received an objection and therefore cannot be determined under delegated powers.

2. Background

- 2.1. The Order designates a “short-term let” as the use of residential accommodation provided by a host in the course of business to a guest where certain criteria are met as an activity for which a licence is required under the Civic Government (Scotland) Act 1982 (“the Act”), the Order modifies the procedures in the Act in relation to short-term let licences and provides mandatory conditions which will be required in respect of all short-term let licences, and makes consequential amendments to a number of enactments.
- 2.2. Article 3 provides a definition of short-term let and excludes certain types of accommodation and certain types of tenancy (as described in schedule 1 of the Order) from that definition. Article 4 specifies that a short-term let after 1 October 2022 is an activity which requires a licence under the Act. Article 5 provides that Part 1 of the Act (including schedule 1 of the Act as introduced by section 4 of the Act) has effect, for the purposes of the licensing of a short-term let, subject to the modifications specified in schedule 2 of the Order. Article 6 provides that a short-term let licence is subject to the mandatory conditions specified in schedule 3 of the Order.
- 2.3. Article 7 makes transitional provision whereby the offence of operating without a licence (section 7(1) of the Act) is not committed in circumstances where a person used a property for a short-term let before 1 October 2022 and applied for a short-term let licence before 1 April 2023 which has not yet been finally determined. It also provides for a procedure to be followed during the transitional period in respect of licence applications where the licensing authority considers that use of the premises for a short-term let would constitute a breach of planning control.
- 2.4. The Order states applicants have responsibility for giving notice of an application for a new, or renewal of a, short-term lets licence are required to display a site notice at or near the premises so that it can be conveniently read by the public for a period of 21 days beginning with the date on which the application was submitted to

the licensing authority. Applicants are required by para 2(4) of schedule 1 to the 1982 Act to certify compliance that they have displayed the site notice as soon as possible after the 21 days has expired.

- 2.5. The Order further states that an objection must specify the grounds, but the grounds are not limited by, or defined in, the 1982 Act. Objections not related to valid grounds for refusal will not be taken into consideration. 4.31. Licensing authorities may entertain a late objection if they are satisfied there is a sufficient reason as to why it was not made on time. Where a licensing authority entertains a late objection, they must satisfy themselves as to the sufficiency of the reason for lateness and explain why they have decided to entertain the objection.

3 Proposal

Licensing has been sought for the converted granny suite flat to operate as a short-term let on a secondary let basis by Mr Robert Wardrope and Mrs Janette Wardrope as the licence holders. This short-term let has been in operation prior to October 1st 2022.

4 Consultations

As part of the licensing process, the following stakeholders were engaged to offer any adverse comments or feedback regarding the application:

Scottish Fire and Rescue Service: No objections have been made to the short-term let application, as the service have deemed the checklist and fire risk assessment provided sufficient and meets the Fire (Scotland) Act 2005 and the Fire Safety (Scotland) Regulations (2006) the duty holder has been made aware of their legal responsibilities in this regard.

Police Scotland: No objections have been raised and Police Scotland confirm that the named host, agent, and/or day-to-day manager(s) meet the fit and proper persons requirement.

Planning Authority: No condition for planning permission is required in this instance and the planning authority offer no adverse comments.

Anti-Social Behaviour Team: No adverse feedback has been raised and no incidents have been recorded at the address.

Building Standards: Building Standards have confirmed that a building warrant was completed (14.10.2005) for a change of use from a garage to granny flat.

5 Submitted Documentation:

- a. The following documents have been submitted in support of the application and are available in [Appendix 1](#) of this report:
- Scottish Fire and Rescue Service Checklist and Fire Risk Assessment
 - Annual Gas Certificate
 - Electrical Installation Condition Report
 - Portable Appliance Testing Report
 - Legionella Risk Assessment
 - Floorplan
 - Energy Performance Certificate
 - Photographic evidence of smoke, heat and co2 detectors throughout the property.
 - Proof of buildings and public liability insurance
 - Title Deeds (Legal Search)

- Evidence of Operation as an existing operator
- Display notice situated in clear sight of the public.
- Certificate of Compliance

6 Unsubmitted Documentation:

- Waste Management Evidence has not been supplied as the applicant is not on Non-Domestic Rates

7. Representations

7.1 1 objection has been received and is available in [Appendix 2](#) of this report.

7.2 The submitted representations are assessed in their competency against the criteria set out under Paragraph 6.5 of South Ayrshire Council's Short Term Let Licensing Scheme and are summarised below.

- Concerns that an application is inaccurate or misleading.
- Concerns about the safety of guests, neighbours, or others
- Concerns about noise or nuisance; and
- Concerns that the application runs contrary to other legal or contractual requirements.

7.3 Summary of Objection(s):

The objector has raised concerns of the safety and security at the premises, with unvetted vehicles delivering items, and having denial of free movement at certain times. Further concerns have been raised of unknown people in and around the premises, and a lack of privacy this would bring and fear of potential damage to property or personal injury due to previous incidents where damaged occurred. Additionally, the objector raised concern that the application infringes to other legal and contractual requirements, such as obtaining a building warrant or planning permission for the premises. The issue of title deeds is also raised, this however is a civil matter between both parties.

8 Site Visit:

8.1 Following the submitted objection, a site visit to the property was undertaken by Lauren Scott, Short-Term Let Compliance Officer on 26th May 2023. An assessment was completed of the property and can confirm that it met the guidelines and requirements set by the Scottish Government and there was nothing to report.

9 Background Papers:

9.1 [short term let licensing scheme \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk)

9.2 [Short-term lets: regulation information - gov.scot \(www.gov.scot\)](https://www.gov.scot)

9.3 [Short term lets - licensing scheme part 1: guidance for hosts and operators - gov.scot \(www.gov.scot\)](https://www.gov.scot)

9.4 [Short term lets - licensing scheme part 2: supplementary guidance for licensing authorities, letting agencies and platforms - gov.scot \(www.gov.scot\)](https://www.gov.scot)

10 Person to Contact:

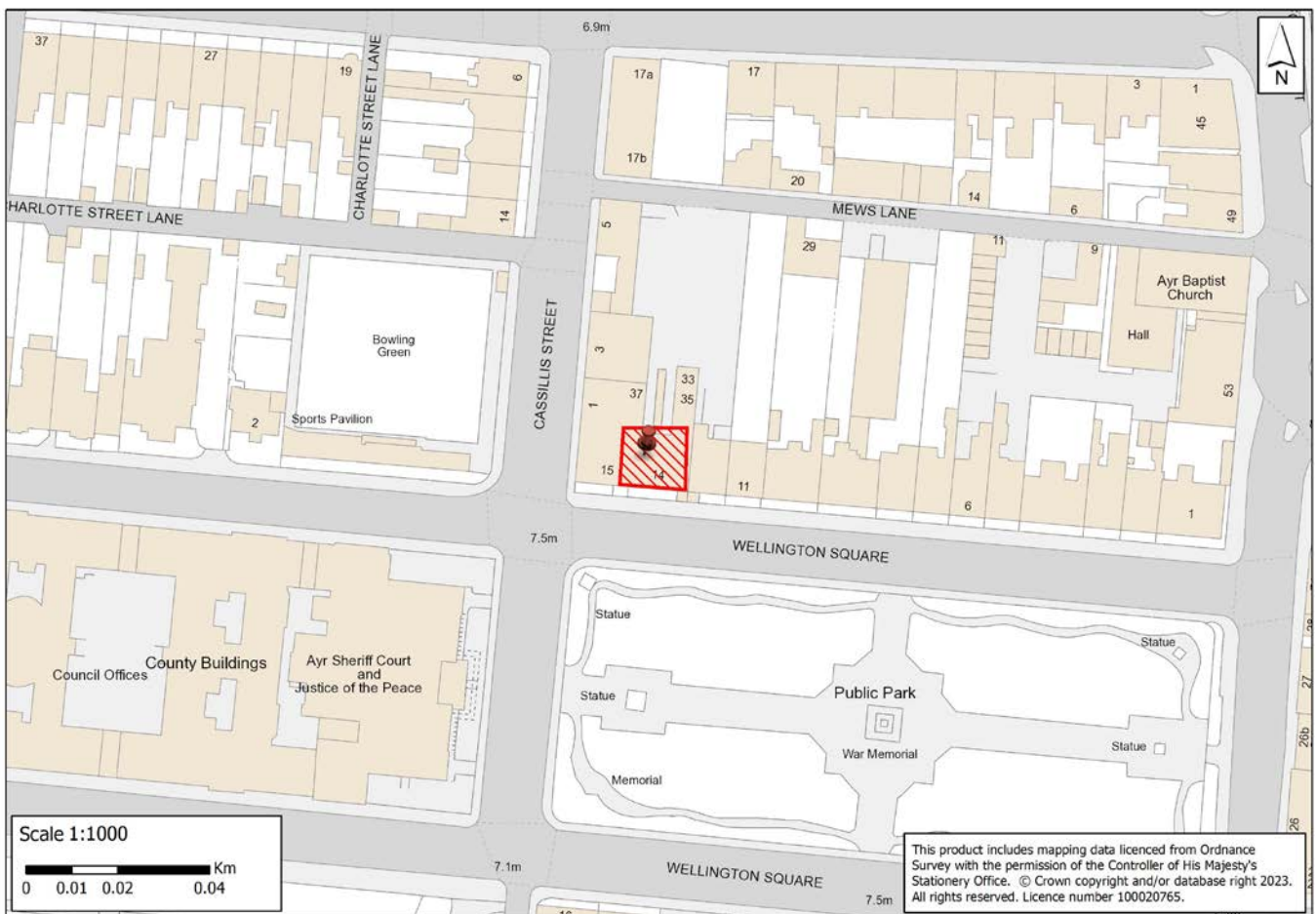
Chris Carroll – Co-Ordinator for Housing Policy, and Strategy
 Lauren Scott – Short-Term Lets Compliance Officer

REGULATORY PANEL (LICENSING): 31 AUGUST 2023
REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

SA00020N
1A CASSILLIS STREET
AYR
KA7 1DN
SOUTH AYRSHIRE

Location Plan

APPLICATION SITE 



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REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL (LICENSING): 31 AUGUST 2023

SUBJECT:	APPLICATION UNDER THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (LICENSING OF SHORT-TERM LETS) ORDER 2022 (“THE ORDER”)
APPLICATION REF:	SA00020N
SITE ADDRESS:	1A CASSILLIS STREET Ayr KA7 1DN South Ayrshire
LICENSE TYPE:	Secondary Let
PROPERTY TYPE:	Flat
APPLICATION RECEIVED:	6th January 2023

1. Purpose

- 1.1. This application is referred to the Regulatory Panel (Licensing) under Paragraph 7.2.1 of South Ayrshire Council’s Short Term Let Licensing Scheme as the application has received an objection and therefore cannot be determined under delegated powers.

2. Background

- 2.1. The Order designates a “short-term let” as the use of residential accommodation provided by a host in the course of business to a guest where certain criteria are met as an activity for which a licence is required under the Civic Government (Scotland) Act 1982 (“the Act”), the Order modifies the procedures in the Act in relation to short-term let licences and provides mandatory conditions which will be required in respect of all short-term let licences, and makes consequential amendments to a number of enactments.
- 2.2. Article 3 provides a definition of short-term let and excludes certain types of accommodation and certain types of tenancy (as described in schedule 1 of the Order) from that definition. Article 4 specifies that a short-term let after 1 October 2022 is an activity which requires a licence under the Act. Article 5 provides that Part 1 of the Act (including schedule 1 of the Act as introduced by section 4 of the Act) has effect, for the purposes of the licensing of a short-term let, subject to the modifications specified in schedule 2 of the Order. Article 6 provides that a short-term let licence is subject to the mandatory conditions specified in schedule 3 of the Order.
- 2.3. Article 7 makes transitional provision whereby the offence of operating without a licence (section 7(1) of the Act) is not committed in circumstances where a person used a property for a short-term let before 1 October 2022 and applied for a short-term let licence before 1 April 2023 which has not yet been finally determined. It also provides for a procedure to be followed during the transitional period in respect of licence applications where the licensing authority considers that use of the premises for a short-term let would constitute a breach of planning control.
- 2.4. The Order states applicants have responsibility for giving notice of an application for a new, or renewal of a, short-term lets licence are required to display a site notice at or near the premises so that it can be conveniently read by the public for a period of 21 days beginning with the date on which the application was submitted to

the licensing authority. Applicants are required by para 2(4) of schedule 1 to the 1982 Act to certify compliance that they have displayed the site notice as soon as possible after the 21 days has expired.

- 2.5. The Order further states that an objection must specify the grounds, but the grounds are not limited by, or defined in, the 1982 Act. Objections not related to valid grounds for refusal will not be taken into consideration. 4.31. Licensing authorities may entertain a late objection if they are satisfied there is a sufficient reason as to why it was not made on time. Where a licensing authority entertains a late objection, they must satisfy themselves as to the sufficiency of the reason for lateness and explain why they have decided to entertain the objection.

2 Proposal

- 2.4 Licencing has been sought for the three bedroomed, first floor dwellinghouse flat to operate as a short-term let on a secondary let basis by Edward Shaw Ltd (Donnini Apartments) as an acting agent. This is a new application as it has been submitted with the intention to operate after the 1st October 2023.

3 Consultations

As part of the licensing process, the following stakeholders were engaged to offer any adverse comments or feedback regarding the application:

Scottish Fire and Rescue Service: No objections have been made to the short-term let application, as the service have deemed the checklist provided sufficient and meets the Fire (Scotland) Act 2005 and the Fire Safety (Scotland) Regulations (2006) the duty holder has been made aware of their legal responsibilities in this regard.

Police Scotland: No objections have been raised and Police Scotland confirm that any named host, agent, or day-to-day manager(s) meet the fit and proper persons requirement.

Planning Authority: Planning permission is required for the change of use of the flat to a short-term holiday let. The Planning Authority has stated that no permission has been sought or obtained.

Anti-Social Behaviour Team: No adverse feedback has been raised and no incidents have been recorded at the address.

4 Submitted Documentation:

- 4.4 The following documents have been submitted in support of the application and are available in [Appendix 1](#) of this report:

Scottish Fire and Rescue Service Checklist and Fire Risk Assessment

Electrical Installation Condition Report

Portable Appliance Testing Report

Legionella Risk Assessment, or if private supply compliant with owners' regulars (self-declare)

Floor plan

EPC Certificate (for premises which are dwelling houses)

Buildings and public liability insurance

Proof of consent from owner or a copy of the title deeds.

Display notice situated in clear sight of the public

Certificate of compliance

Waste management evidence

5 Unsubmitted Documentation:

Gas Annual Safety Certificate (As the premises is on an electric heating supply)

Photographic evidence of smoke, heat and co2 detectors throughout the property.

7. Representations

7.1 1 objection has been received and is available in [Appendix 2](#) of this report.

7.2 The submitted representations are assessed in their competency against the criteria set out under Paragraph 6.5 of South Ayrshire Council's Short Term Let Licensing Scheme and are summarised below.

- Concerns that an application is inaccurate or misleading.
- Concerns about the safety of guests, neighbours, or others
- Concerns about noise or nuisance; and
- Concerns that the application runs contrary to other legal or contractual requirements.

7.3 SUMMARY OF OBJECTION(S)

The objector has raised concerns of the safety and security of her two children (one which has a learning disability) with unknown guests entering and leaving the building as it is within a shared communal close, alongside the potential noise factor which could occur. The objectors also state they purchased the property in a residential area and pay a factoring fee to ensure that the shared area and building is well kept and maintained and have raised concerns this may be impacted.

8 Site Visit:

8.1 Following the submitted objection, a site visit to the property was undertaken by Lauren Scott, Short-Term Let Compliance Officer on 16th February 2023. An assessment was completed of the property and can confirm that it met the guidelines and requirements set by the Scottish Government and there was nothing to report.

9 Background Papers:

9.1 [short term let licensing scheme \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk)

9.2 [Short-term lets: regulation information - gov.scot \(www.gov.scot\)](https://www.gov.scot)

9.3 [Short term lets - licensing scheme part 1: guidance for hosts and operators - gov.scot \(www.gov.scot\)](https://www.gov.scot)

9.4 [Short term lets - licensing scheme part 2: supplementary guidance for licensing authorities, letting agencies and platforms - gov.scot \(www.gov.scot\)](https://www.gov.scot)

10 Person to Contact:

Chris Carroll – Co-Ordinator for Housing Policy, and Strategy
Lauren Scott – Short-Term Lets Compliance Officer