

# Public Document Pack



## CIVIC GOVERNMENT LICENSING COMMITTEE FRIDAY, 22ND SEPTEMBER, 2023

A MEETING of the CIVIC GOVERNMENT LICENSING COMMITTEE will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on FRIDAY, 22 SEPTEMBER 2023 at 11.00 am and will be a blended meeting in accordance with Section 43 of the Local Government (Scotland) Act 1973 and can be accessed remotely via Microsoft Teams.

**All Attendees, including members of the public, should note that the public business in this meeting will be livestreamed and video recorded and that recording will be available thereafter for public view for 180 days .**

J. J. WILKINSON,  
Clerk to the Council,

12 September 2023

<b>BUSINESS</b>		
1.	<b>Apologies for Absence</b>	
2.	<b>Order of Business</b>	
3.	<b>Declarations of Interest</b>	
4.	<b>Minute (Pages 3 - 4)</b>  Minute of Meeting held on 24 February 2023 to be approved and signed by the Chairman. (Copy attached.)	2 mins
5.	<b>Licences issued under Delegated Powers</b>  (Copy to follow.)	5 mins
6.	<b>Application for Grant of Short Term Let Licence (Pages 5 - 12)</b>  Consider an application for Short Term Let Licence received from N. Armstrong, 26 Davidson Place, Newtown St Boswells.	20 mins

	<u>Representations / objections received:</u> Consultees - none. Other – three objections  (copies of application summary and objections attached.)	
7.	<b>Items Likely to be Taken in Private</b>  Before proceeding with the private business, the following motion should be approved:  “That under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be exclude from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 14 of Part 1 of Schedule 7A to the aforementioned Act.”	
8.	<b>Minute (Pages 13 - 14)</b>  Private section of Minute of Meeting held on 24 February 2023 to be approved and signed by the Chairman. (Copy attached.)	2 mins
9.	<b>Any Other Items Previously Circulated</b>	
10.	<b>Any Other Items which the Chairman Decides are Urgent</b>	

#### NOTES

1. Timings given above are only indicative and not intended to inhibit Members' discussions.
2. Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.

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**Membership of Committee:-** Councillors M. Douglas (Chair), P. Brown, J. Cox, D. Parker, J. PatonDay, N. Richards, F. Sinclair, E. Small and T. Weatherston

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Please direct any enquiries to Fiona Henderson Tel: 01835 826502  
 E-Mail: fhenderson@scotborders.gov.uk

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**SCOTTISH BORDERS COUNCIL  
CIVIC GOVERNMENT LICENSING COMMITTEE**

MINUTE of Meeting of the CIVIC GOVERNMENT LICENSING COMMITTEE held in Council Chamber, Council Headquarters, Newtown St. Boswells and via Microsoft Teams on 24 February 2023 at 10.30a.m.

Present:- Councillors M. Douglas (Convener), J. Cox, J. PatonDay, D. Parker, P. Brown, N. Richards, E. Small, F. Sinclair and T. Weatherston.

In Attendance:- Managing Solicitor (Property and Licensing), Licensing Standards and Enforcement Officers (M. Wynne and J. Scott), Licensing Officers – (S. Lackenby and T. Thomson), Sergeant R. Stark, PC S. Dishington, Democratic Services Officer (F. Henderson).

1. **MINUTE**  
There had been circulated copies of the Minute of the Meeting held on 27 January 2023.

**DECISION**  
**AGREED to approve the Minute for signature by the Chairman.**

2. **LICENSES ISSUED UNDER DELEGATED POWERS**  
For Members' information there had been circulated copies of lists of licences dealt with under delegated powers for the periods 14 January - 12 February 2023.

**DECISION**  
**NOTED.**

**PRIVATE BUSINESS**  
**DECISION**

**AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 14 of Part I of Schedule 7A to the Act.**

**SUMMARY OF PRIVATE BUSINESS**

- 3.0 **LICENSING OF TAXIS, PRIVATE HIRE VEHICLES AND DRIVERS**  
**Hearing to consider suspension of Taxi Driver Licence**  
The Committee agreed not to immediately suspend the taxi drivers licence following its consideration of the request received from Police Scotland.

- 4.0 **MINUTE**  
The Private Section of the Minute of 27 January 2023 had been circulated.

*The meeting concluded at 11.10 a.m.*

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**Civic Government Licensing Committee  
22 September 2023**

**SUMMARY OF LICENCE APPLICATION  
The Civic Government (Scotland) Act 1982 –  
(Licensing of Short-term Lets) Order 2022**

**Application Details:**

Application type: <b>Short Term Lets Licence – New / First Application</b>
Type of licence applied for: <b>Home Sharing</b>

**Applicant Details:**

Name: <b>Nina Armstrong</b>
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**Property Details:**

Address: <b>26 Davidson Place, Newtown St. Boswells, Melrose TD6 0QJ</b>
Type of property: <b>Detached</b>
Number of bedrooms: <b>Three</b> in property.
Maximum No. of occupants: <b>Two</b> you hope to accommodate within the property at any one time.

**Statutory Consultation Process – Representations / Objections**

Police Scotland – <b>None</b> Scottish Fire & Rescue Service – <b>None</b> Environmental Health Section – <b>None</b> Planning & Regulatory Services – <b>None</b> Building Standards – <b>None</b> Housing Strategy Team (Private Landlord Registration) – <b>None</b> Anti-Social Behaviour Unit - <b>None</b>
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**Statutory Display of Site Notice – Representations / Objections**

Three letters of objection received – see attached.
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Licensing Services Team Leader  
Licensing Unit, Council Offices,  
Council Headquarters, Newtown St Boswells TD6 0SA

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[REDACTED]  
[REDACTED]  
[REDACTED]  
27<sup>th</sup> July 2023

**Home Share Application, Mrs Nina Armstrong, 26 Davidson Place, Newtown St Boswells, TD6 0QJ**

Dear Sir/Madam

According to SBC Civic Government Licensing Committee Short Term Lets Licensing Policy Statement objections can only be made on specific grounds. I therefore wish to object in the strongest terms to this application based on:

*5. Objections and Representations*

*5.5 c i – the location etc;* this planned home share is in a fully residential area. It is quiet, peaceful and there are no businesses being run from houses which impact on the neighbourhood and I would like it to stay that way.

*5.5 c ii – the nature and extent etc;* the extension at the rear of this property was applied for in 2019 and built over several months in 2021. I did not object to the planning application as clearly stated in correspondence between the officer of SBC and the agent for Mrs Armstrong the intent was to future proof her property for her later life and I found publicly available information on your website stating just that below:

From: [REDACTED] [mailto:[REDACTED]]

Sent: 21 June 2019 13:00

To: [REDACTED] Subject: Re: 19/00764/FUL: 26 Davidson Place Newtown St Boswells

Hi [REDACTED] Many thanks for your response regarding the above Planning Application. We have taken your points on board however the applicant has specifically requested an extension of these dimensions, the intention of adding a ground floor bedroom and accessible shower room is to future proof the house long term so when the applicant is unable to climb the stairs in the future she can still comfortably reside in her house without the worry of having to tackle a staircase to go to bed and use the toilet facilities.

The extension build was a long, drawn out and invasive process as it is built to the boundary line. Had I been aware of the intention to use this as a home share, I would have objected immediately. I lost a great deal of light into the rear of my property by the building of this but I was willing to forgo it to enable someone to future proof when they could afford it to support remaining in their own home However this application is an outrageous change of the stated use and I find it disingenuous and very unfair to myself and the surrounding neighbours.

*5.5 c iv – the possibility of undue public nuisance etc;* I already have to tolerate the loud voices and music as well as the singing of some very unpleasant songs when the applicant holds parties in the garden – I dread to think how she will manage any paying guest if they are loud or out of line.

5.5 c v – People resident in the street are already finding parking a challenge. As the applicant did not add any additional parking on her property when her extension was built, I am convinced that adding an additional car which will be parked overnight will cause more issues than we already have to deal with when people inconsiderately block cars in.

Kind regards

Morag McKell

[REDACTED]



[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
27<sup>th</sup> July 2023

**Home Share Application, Mrs Nina Armstrong, 26 Davidson Place, Newtown St Boswells, TD6 0QJ**

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*5. Objections and Representations*

*5.5 c i – the location etc;* this planned home share is in a fully residential area. It is quiet, peaceful and there are no businesses being run from houses which impact on the neighbourhood.

*5.5 c ii – the nature and extent etc;* the extension at the rear of this property was applied for in 2019 and built over several months in 2021. I did not object to the planning application as clearly stated in correspondence between the officer of SBC and the agent for Mrs Armstrong the intent was to future proof her property for her later life (please see below for extract of said correspondence).

From: [REDACTED] (mailto:[REDACTED])

Sent: 21 June 2019 13:00

To: [REDACTED] Subject: Re: [REDACTED] 26 Davidson Place Newtown St Boswells

Hi [REDACTED] Many thanks for your response regarding the above Planning Application. We have taken your points on board however the applicant has specifically requested an extension of these dimensions, the intention of adding a ground floor bedroom and accessible shower room is to future proof the house long term so when the applicant is unable to climb the stairs in the future she can still comfortably reside in her house without the worry of having to tackle a staircase to go to bed and use the toilet facilities.

This property was extended for the owner's future life, not for her to run a business from it and had I been aware of this intention, I would have objected to the planning application at the beginning.

*5.5 c iv – the possibility of undue public nuisance etc;* While we are all always hopeful that people resident in properties around us are respectful and behave accordingly, there is a risk of poor behaviour, particularly when fuelled by alcohol. People who are staying away from home for whatever reason in this home share will either have to remain in the bedroom space when not out, share the living room with Mrs Armstrong or spend the time outside. If they are outside and use loud voices, that will impact on me and my family. If they are out in the garden my privacy will be impacted. There is also the risk of poor behaviour and excessively loud music.

5.5 c v – we live in a residential area built in the 1950's when there was no planned two car spaces per house and we already have a parking issue. Adding another overnight vehicle will simply add to this.

Kind regards

Elaine Thornton-Nicol

[REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
27<sup>th</sup> July 2023

**Home Share Application, Mrs Nina Armstrong, 26 Davidson Place, Newtown St Boswells, TD6 0QJ**

Dear Sir/Madam

According to SBC Civic Government Licensing Committee Short Term Lets Licensing Policy Statement objections can only be made on specific grounds. I therefore wish to object in the strongest terms to this application based on:

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***5.5 c i – the location etc;*** this planned home share is in a fully residential area. It is quiet, peaceful and there are no businesses being run from houses which impact on the neighbourhood.

***5.5 c ii – the nature and extent etc;*** the extension at the rear of this property was applied for in 2019 and built over several months in 2021. I did not object to the planning application as clearly stated in correspondence between the officer of SBC and the agent for Mrs Armstrong the intent was to future proof her property for her later life and I include the publicly available information as stated below:

**From:** [REDACTED] [mailto:[REDACTED]]

**Sent:** 21 June 2019 13:00

**To:** [REDACTED] **Subject: Re:** [REDACTED] 26 Davidson Place Newtown St Boswells

**Hi [REDACTED] Many thanks for your response regarding the above Planning Application. We have taken your points on board however the applicant has specifically requested an extension of these dimensions, the intention of adding a ground floor bedroom and accessible shower room is to future proof the house long term so when the applicant is unable to climb the stairs in the future she can still comfortably reside in her house without the worry of having to tackle a staircase to go to bed and use the toilet facilities.**

This property was extended for the owner's future life, not for her to run a business from it and had I been aware of this intention, I would have objected to the planning application at the beginning.

***5.5 c iv – the possibility of undue public nuisance etc;*** There is a risk of bad behaviour, loud noise, loss of privacy due to people staying in the extension sitting in the garden watching us.

***5.5 c v –*** we live in a residential area built in the 1950's when there was no requirement of two car spaces per house and we already have a parking issue. Adding another overnight vehicle will simply add to this.

Kind regards

Gary Nicol  
[REDACTED]

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