

SCOTTISH BORDERS COUNCIL CIVIC GOVERNMENT LICENSING COMMITTEE

MINUTES of Meeting of the CIVIC GOVT
LICENSING COMMITTEE held in COUNCIL
CHAMBER, COUNCIL HEADQUARTERS,
NEWTOWN ST BOSWELLS - Blended on
Friday, 1 March 2024 at 11.00 am

- Present: - Councillors M. Douglas (Convener), J. PatonDay, N. Richards, F. Sinclair,
T. Weatherston.
- Apologies: - Councillors J. Cox, D. Parker and E. Small.
- In Attendance: - Managing Solicitor (Property and Licensing), Licensing Standards and Enforce
Wynne, J Scott), Licensing Officers – (S. Lackenby and T. Thomson), PC S Di
S. Miller (Police Scotland), Democratic Services Officer (F. Henderson).
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1.0 **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 15 December 2023.

DECISION

APPROVED the minute for signature by the Convener.

2.0 **LICENSES ISSUED UNDER DELEGATED POWERS**

For Members' information there had been circulated copies of lists of licences dealt with under delegated powers for the period 5 December 2023 – 15 January 2024.

DECISION

NOTED.

3.0 **APPLICATION FOR GRANT OF SHORT TERM LET LICENCE**

- 3.1 There had been circulated copies of an application in respect of a Short Term Let under the Civic Government (Scotland) Act 1982 – (Licensing of Short-term Lets) Order 2022. James Clamp and Shirley Johnston, 1C Havelock Place, Hawick TD9 7BE owned a two-bedroom flat and had applied for a Secondary Letting Licence.
- 3.2 Mr Wynne, Licensing Standards and Enforcement Officers explained that Police Scotland, Fire and Rescue Service Scotland, Environmental Health, Planning, Building Standards, Housing Strategy Team and the Anti-Social Behaviour unit had been consulted in terms of the application for a secondary letting licence, none of whom had made any representations but eight objections had been received from neighbours.
- 3.3 The Applicants were not present at the meeting but were represented by Emma Baldwyn, MJC Property who would be managing the property on the Applicant's behalf. Ms Baldwyn explained that her company were letting agents and been retained by the Applicants to manage the said property in November 2023 and was therefore unable to address any issues with Tenants prior to her involvement. The Applicants intended to rent the property as a holiday accommodation, and it would therefore be occupied on a short-term basis.
- 3.4 Mr and Mrs Elliot, objectors and resident at 3b Havelock Place, Hawick were present at the meeting. Mr Elliott explained that the residents in the immediate neighbourhood (at 1A, 1B, 3A and

3B Havelock Place and at all properties within 7 Havelock Street) without exception were either homeowners or long-term tenants and the proposal to accommodate short term tenants was not compatible with existing tenant arrangements. Previous experience of the property at 1C Havelock Place being rented out by the applicant to short term tenants had been to serve a commercial purpose i.e., providing workers with a base in preference to a stable home environment for a family. This had resulted in noise disruption, inconsiderate behaviour, police visits, inadequate disposal of rubbish and general mess being a regular occurrence. Mr Elliot went onto to explain that all the tenants shared access to the cellar as it contained neighbourhood utilities and access was essential, the cellar however had been used by the tenants at 1C Havelock Place to discard substantial amounts of unwanted household items, creating a serious fire hazard. The other objectors had been unable to attend the meeting due to other commitments.

- 3.5 Mr Elliot went onto advise that the block accommodating properties at 1 and 3 Havelock Place had shared facilities (stairwell, drying green, waste disposal storage area etc) and the top floor accommodation at 1C Havelock Place was simply not suitable for short term occupants especially when neighbouring residents had a vested interest in maintaining their premises/surroundings. The Applicant had a shared responsibility to maintain property features, which affected the other homeowners at 1 and 3 Havelock Place. However, in Mr Elliotts opinion, the Applicant had demonstrated little desire to communicate with the other homeowners.
- 3.6 Ms Baldwyn was unable to comment on the matters raised by the Objectors having not been involved in the property at that time. She re-iterated that they would be advertising the property as a holiday let within Hawick and surrounding area and confirmed that the names on the application were the owners of the property. The Scottish Government were investing money into tourism in Hawick and this was an opportunity to provide accommodation for visitors to the area and in her experience, holiday makers do respect the property they have rented. Mrs Elliot advised that there were currently workers in the flat and Ms Baldwyn agreed to investigate this.
- 3.7 There followed discussion, during which members expressed sympathy for the Residents, however there was no evidence that holiday makers would be any worse than someone on a long term let and nothing to suggest that the property was not suitable for such a licence. As there was now a letting Agent, it would be their responsibility to ensure that the conditions of the licence were adhered to. In addition, the licence could be remitted to the Committee for review.

DECISION
AGREED to Grant.

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

4.0 MINUTE

The Private Section of the Minute of 26 January 2024 had been circulated.

The meeting concluded at 11.40 am