

SCOTTISH BORDERS COUNCIL CIVIC GOVERNMENT LICENSING COMMITTEE

MINUTES of Meeting of the CIVIC
GOVERNMENT LICENSING COMMITTEE
held via Microsoft Teams on Monday, 28
February 2022 at 11.00 a.m.

- Present:- Councillors J. Brown, D. Paterson, N. Richards, S. Scott, R. Tatler,
E. Thornton-Nicol, G. Turnbull and T. Weatherston.
- Apologies:- Councillor J. Greenwell.
- In Attendance:- Managing Solicitor (Property and Licensing), Licensing Standards and
Enforcement Officers (M. Wynne, J. Scott and H. Wood), Inspector J.
McGuigan, Democratic Services Officers (F. Henderson)
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APPOINTMENT OF CONVENER

The Managing Solicitor welcomed everyone to the meeting of the Scottish Borders Licensing Board. In the absence of Councillor Greenwell, Councillor Richards proposed that Councillor Weatherston be appointed as Convener for the meeting. This was seconded by Councillor Turnbull and unanimously agreed.

DECISION

AGREED that Councillor Weatherston be appointed Convener for this meeting.

1. MINUTE

The minute of the meeting held on Friday, 17 December 2021 had been circulated.

DECISION

APPROVED and signed by the Chairman.

2. LICENCES ISSUED UNDER DELEGATED POWERS

For Members' information there had been circulated copies of lists of licences dealt with under delegated powers for the periods 7 December 2021 – 15 February 2022.

DECISION

NOTED.

3. LICENSING OF SHORT TERM LETS

- 3.1 There had been circulated copies of a report by the Clerk, Scottish Borders Civic Government Licensing Committee which advised the Members of the impending introduction of the Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022 which would make the use of accommodation for a short term let an activity for which a licence was required, to summarise the licensing requirements and to advise on the work to be undertaken to ensure that arrangements were in place to meet the legal requirements of the order.

- 3.2 The report explained that Section 44 of the Civic Government (Scotland) Act 1982 ("the 1982 Act") permits the Scottish Ministers to designate an activity as an activity for which a licence shall be required. The Scottish Ministers had laid before the Scottish Parliament the Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022 ("the Order"). The Order was approved by the Scottish Parliament on 19 January 2022.

The effect of the order was that with effect from 1 October 2022 the use of accommodation for short term let was an activity for which a licence was required under the 1982 Act.

- 3.3 Any short term let licence granted by the Council would be subject to mandatory conditions as set out in Schedule 3 of the Order. In addition, the Council can apply its own standard conditions to all licences granted or specific conditions on any particular licence. In terms of timescales, all new short term lets must apply for a licence on or after 1 October 2022. Existing short term lets have until 1 April 2023 to apply for a licence. The Council must consider an application for a short term let licence within a period of six months from receiving the application and determine the application within twelve months. This means that all short term lets should be licensed by 1 April 2024.

**DECISION
NOTED:-**

- (a) the requirements contained in the Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022 which would make the use of accommodation for a short term let an activity for which a licence was required;
- (b) the particular licensing requirements;
- (c) that officers would ensure that arrangements were in place to meet the legal requirements of the order; and
- (d) that further reports would be submitted to the Committee regarding detailed requirements for approval.

4. **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 they involved the likely disclosure of exempt information as defined in paragraph 14 of part 1 of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

5. **TAXI DRIVER CONDITION 17**

There had been circulated copies of a letter from the Mr Wynne, Licensing Standards Enforcement Officer requesting an amendment to condition 17 of the taxi driver/private hire conditions.

6. **MINUTE**

The private section of the minute of the meeting held on Friday, 17 December 2021.