

**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 22 September 2023 at
11.00a.m.

Present: - Councillors M. Douglas (Convener), J. Cox, J. PatonDay, D. Parker, E. Small,
F. Sinclair.

Apologies: Councillor P. Brown, N. Richards, T. Weatherston.

In Attendance: - Managing Solicitor (Property and Licensing), Licensing Standards and
Enforcement Officer (M. Wynne), Licensing Officers – (S. Lackenby and T.
Thomson), Sergeant D. Pearey (Police Scotland), Democratic Services
Officer (F. Henderson).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 24 February 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 13 February 2023 – 5 September 2023.

DECISION

NOTED.

3. **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. Mrs
Nina Armstrong, 26 Davidson Place, Newtown St Boswells owned a detached three-
bedroom property and had applied for a Home Share 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 Anti-Social Behaviour unit had been consulted in terms of the
application for a Home Share Licence, none of whom had made any representations but
three objections had been received from neighbours.

3.3 Mrs Armstrong was present at the meeting and represented by Mr Taylor from Chambers
Legal Limited. Mr Taylor explained that he had visited the property at Davidson Place which
was the subject of the Home Share Licence, and which had been built in the 1950's. The
property consisted of 2 upstairs bedrooms, one which was occupied by Mrs Armstrong's
daughter and partner and a small extension, best described as a large single/small double
bedroom which was originally built for when Mrs Armstrong could no longer manage the
stairs.

- 3.4 Mr Taylor referred to the objections received and in terms of the loss of privacy at the rear of the garden, he explained that 8/10 of the gardens to the rear of the property were overlooked, so privacy was gone. In terms of parking, Mr Taylor had visited on a Sunday evening and observed that many of the residents had made provision for off-street parking for at least 2 cars and there was some parking provision. In terms of noise, Mr Taylor stated that change was difficult for neighbours and the licence, if granted would be reviewed in 3 years, and should there be any problems, there was the potential for an early review. The proposal was for a Bed and Breakfast for someone holidaying in the area, who would use it as a base and be out and about through the day, it was not intended for Hen and Stag parties. Mrs Armstrong would not be an absent Landlord and could control inappropriate behaviour.
- 3.5 On being invited to address the Committee, Mrs Armstrong stated that it was a future investment, having decided to retire early and having reviewed her assets.
- 3.6 Mrs Thornton-Nicol, objector was present at the meeting and explained that planning permission for the extension to the rear of the property was granted in 2019 and built over a period of several months in 2021. Mrs Thornton-Nicol had not objected to the planning application as it had clearly stated in correspondence between the Planning Officer and Applicants Agent that the intent was to future proof her property for her later life. However, this was now a business opportunity, to be operated from a house within a fully residential area, where it was quiet and peaceful and where there were no other businesses operating.
- 3.7 Mrs Thornton-Nicol went on to explain her concerns with regard to undue public nuisance impacting on her privacy within her garden and the risk of poor behaviour, particularly fuelled by alcohol. People staying away from home for whatever reason in this house share would either have to remain in the bedroom space when not out, share living room with Mrs Armstrong or spend their time outside. Mrs Thornton-Nicol recounted an issue which had arisen with a visitor to the property in question when very strong and inappropriate language had been used towards her.
- 3.8 In response, Mr Taylor explained that the gentleman to whom Mrs Thornton-Nicol referred did not live in the property and the altercation had revolved around a dog. Mr Taylor further explained that when purchasing a property, you could quite easily come across the neighbour from hell, but in this case the person would leave after days and one of the advantages of the scheme was to allow monitoring and the objections could be seen as speculative. Mr Taylor further commented that he noted that two objections had been received from the same address and all three appear to have been written by the same hand.
- 3.9 Mrs McKell was present at the meeting via Microsoft teams and was invited to address the Committee. Mrs McKell advised that she had nothing to add but objected to the statement that all three objections had been written by the same hand.
- 3.10 There followed discussion with regard to possible conditions and Mr Kirk explained that in addition to the mandatory conditions required by the Act, the Council's Licensing Policy also made provision for additional conditions which were based on the Guidance issued by the Scottish Government, and which covered anti-social behaviour, parking etc.

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 24 February 2023 had been circulated.

The meeting concluded at 11:40 a.m.