

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 28 JUNE 2023**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Graham Hardie
Councillor Gordon Blair	Councillor Fiona Howard
Councillor Jan Brown	Councillor Andrew Kain
Councillor Audrey Forrest	Councillor Paul Donald Kennedy
Councillor Amanda Hampsey	Councillor Luna Martin
Councillor Daniel Hampsey	Councillor Peter Wallace

Attending: Shona Barton, Governance Manager
Alan Morrison, Regulatory Services and Building Standards Manager
Fiona Macdonald, Solicitor
Alison MacLeod, Licensing Standards Officer
Roderick Scott, Applicant
Rebecca Griggs, Applicant's Associate
George Turner, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mark Irvine and Liz McCabe.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982, THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (LICENSING OF SHORT-TERM LETS) ORDER 2022: APPLICATION FOR GRANT OF A SHORT TERM LICENCE (R SCOTT, OBAN)

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by video call, by audio call or by written submission.

For this hearing the Applicant, Roderick Scott, opted to proceed by way of video call and he joined the meeting by Microsoft Teams.

George Turner, Objector also joined the meeting by Microsoft Teams

Gaynor Wotherspoon, Objector was unable to attend the hearing and provided a written response which was contained in Supplementary Pack 1.

It was noted that one other Objector, Mr McKerracher, was not in attendance.

The Chair invited the Licensing Standards Officer to speak to the terms of the report. Thereafter he outlined the procedure that would be followed and invited the Objector to speak in support of his Objection.

OBJECTOR

Mr Turner advised that he only became aware of this application when he was near the garden of the property and had seen a notice displayed in the window. He said the window was some distance from the road. He noted that on the Council website it stated that notices had to be displayed where they could be publically viewed. He commented that he did not think it could be considered that this notice was in public view due to the distance away from the kerb. He advised that he has since spoken to others in the street who were not aware of this application. He suggested that if they had seen the notice there would have been more objections to this application.

Mr Turner said that he did not think the Applicant had tried to alleviate the concerns of neighbours and had shown little care for the residents in the street. He advised that he was a Paramedic in town and that he had moved to Oban in 2019 to raise his family in a safe and caring community. He said he found Nant Drive to be a respectful neighbourhood with a sense of community spirit. He advised that he did not choose to live next to a hotel or guest house and that he moved to a purely residential area to live and bring up his children. He advised that the previous tenants were always respectful to other neighbours and that he was still friends with them. He commented that many short term let properties had people coming to party and they would not want neighbours telling them what to do and not do.

He said that the property was directly next to his property and that the application was for 7 people. He said that suggested to him that this would be more than the average size family and possibly could be multiple groups. He said he was concerned about anti-social behaviour which may be exacerbated by the use of the hot tub.

He advised that the driveway was shared with a small kerb stone and commented that for 7 people, car parking for 2 would not be sufficient and may lead to parking on the main road which would bring its own set of problems. He advised that it would obscure his exit and entrance to his driveway. He commented that mitigation was offered but said it was difficult to understand how that would be policed and adhered to.

He advised that his property, with garden and driveway, mirrored the Applicant's property. He said it was completely open except for a mid-body high fence to the rear. He referred to multiple strangers arriving at all times. He commented that he had asked for the direct number of the owner in case he needed to be contacted if there were any issues and that this was refused and that the number was for someone from the management company. He said this removed the personal touch and respect for others that lived in the area.

He advised that there was the potential for anti-social behaviour and noise at all times of the night which would probably lead to disturbance for his family, including loss of sleep, which would affect learning at school and functioning at work. He referred to mitigation of a £1,000 deposit for damage or disturbance and questioned who would benefit from that money.

He referred to moving to a residential area and commented that encouragement should be given to properties being occupied by people that needed accommodation. He said that the town had multiple short term lets and no accommodation for teachers, NHS workers and key workers. He said the introduction of multiple Airbnbs would destroy the town. He commented that hotel businesses could not get staff due to the town being too expensive to live in and there being nowhere else to live. He questioned why this residential area

could not be encouraged to remain as a residential area and that the property be used for a longer term let as it was before.

MEMBERS' QUESTIONS

Councillor Martin sought and received confirmation from Mr Turner as to where the notice was displayed.

APPLICANT

Mr Scott advised that he ran a number of Airbnbs and long term lets in Oban and that he had been running these for a number of years in Oban and Argyll. He said that he tried to supply a selection of accommodation at different levels. He said that the property had previously been a long term let and that the previous occupants had been employed by him.

He advised that the property would be large enough to accommodate a minimum of 7 people and that quite often they got requests for more than that. He advised that for this property they wanted to keep it to 7 people, maybe for a family or a family with friends. He said he was trying to have a high quality residence for family occupation, with no intention of parties. He referred to having other residences of a similar size with hot tubs and commented that there had been no parties at these locations. He advised that if there was ever any noise they would attend and try to resolve any problems. He said that he quite understood that this was a residential area that would need to be kept an eye on. He said that he had space for parking cars and if space for more than 2 cars were required he could accommodate that. He also advised that they would be able to vet people as they applied to book and they would be able to refuse anyone they were concerned about. He said that he liked to operate with great efficiency and that this was a lovely opportunity for people to come to Oban.

QUESTIONS FROM OBJECTORS

Mr Turner asked what the vetting process was. Ms Griggs explained that she spoke to people directly. She said that instead of booking direct online, people had to enquire so that there could be a discussion about the potential holiday makers that would be coming and what they would be using the accommodation for. The rules to be followed would be explained from the outset and they would be advised that the accommodation would be within a residential area. She advised that if she did not like what she heard the booking would not go ahead. She explained that she has been doing this for some time now and that she trusted her opinion and feelings on how someone came across.

Councillor Green referred to the written submission by Ms Wotherspoon and read out the following questions on her behalf.

1. In respect of the management company that will be looking after the property. Can you confirm if this is the management property owned by the home owner?

Mr Scott said that he managed the bookings himself and that the cleaning etc was under his control.

2. In regards to the £1,000 deposit for disruption or rule breaking, who benefits from this?

Mr Scott advised that he did not think he could do this anymore as it would not be permitted for an Airbnb establishment.

3. In regards to the contact number, if any disruptions should occur. My previous experience with the homeowner, when contacted before for previous tenants in regard to noise. We were met with obstruction. He advised us that as long as the money (mortgage/rent) was being paid, he couldn't care less about the noise. Can I have assurances that this will not be the case with Short term lets?

Mr Scott said he had not spoken to anyone about this and that these comments had nothing to do with him.

MEMBERS' QUESTIONS

Councillor Blair sought and received confirmation from Mr Scott that he lived in Oban.

Councillor Brown sought and received confirmation from Mr Scott that he had one short term let of a similar size and another with one bedroom and that he had experienced no issues with either. He advised that he had also just received another licence for a 2 bedroom property. He referred to one occasion when someone was talking loudly on the phone in a hot tub and that he had gone round to stop that. He advised that it was his intention that there would be no late night use of the hot tub and that he expected that this would be monitored by neighbours. He said that he would have no objection to anyone contacting him directly. He explained that he was not always around and that was why he gave the number of the person in charge of laundry to be the main contact.

Councillor Kain sought and received confirmation from Mr Scott that the hot tub had been there for a number of years.

Councillor Kain sought and received confirmation that Mr Scott would like the limit of guests staying to be 7. He advised that it was a 4 bedroomed house. He said it would not be easy to let if the numbers were limited to less than 7.

Councillor Hardie sought and received confirmation from Mr Scott that the risk assessment for legionella was lodged with the application form.

Councillor Armour sought and received confirmation from Mr Scott that at the time of submitting his application he had checked where he should display the notice advising of his application and that he had displayed it where he was told to.

Councillor Martin sought and received confirmation from Mr Scott that the notice was A4 size and in the window next to the door.

Councillor Martin asked how close the hot tub was to the fence of the property next door. Mr Scott said that the section of fence where the hot tub was located was not near a public area. He said there were no windows and that the fence backed onto a blank wall.

Councillor Martin referred to concerns about noise from the hot tub and asked how Mr Scott planned to mitigate against that. Mr Scott said that it would be written into the contract that would be signed by anyone taking up the tenancy. He said there would be rules regarding parking and the use of the hot tub. He said the hot tub could not be used before 11 am and not after 10 pm. He advised that people should not use the outside

area at all after that time. Ms Griggs advised that if anyone did not comply with the rules of use of the hot tub they had the ability to lock it up for the remainder of the holiday.

Councillor Kennedy sought and received confirmation from Mr Scott that someone from the Council advised him where he should display the notice.

Councillor Kennedy sought and received confirmation from Mr Scott that he was satisfied the vetting procedure would limit any problems from occurring.

Councillor Kennedy asked Mr Scott if the hot tub was necessary. Mr Scott explained that the previous tenants did not want it removed but he could do so if required. He advised that it was a great addition to his property.

Councillor Blair sought and received confirmation from Mr Scott that many of his visitors were British with a lot from Glasgow and Scotland generally.

Councillor Blair asked if any of his customers had issues with neighbours. Mr Scott advised that there had been issues with noisy dogs.

SUMMING UP

Objectors

Mr Turner advised that the hot tub was not next to a blank wall and that there was a bedroom window next to the hot tub.

He also commented that within Appendix 2 of report it was stated that the hot tub could only be used between the hours of 11 am and 9 pm. He noted that Mr Scott was now saying the hours would be 11 am to 10 pm. He said the situation was getting worse. He said that he still wanted to object to this application as he had a young family with his children's bedrooms to the back of the house. He said he did not want a constant stream of strangers coming each week. He said that he really hoped Mr Scott would revert back to maintaining this property as a long term let.

Applicant

Mr Scott said he thought he had done his best to placate the situation and that he would like to go ahead with his application.

When asked, both parties confirmed that they were satisfied they had said all they wished to.

At this point the Committee agreed to retire and deliberate in private.

DEBATE

The Committee debated the merits of the application and objections submitted.

Thereafter the Applicant and Objectors were invited back into the meeting.

Motion

To agree to grant a short term let licence to Mr Scott subject to the conditions recommended in the report and to the inclusion of an additional condition limiting the use of the hot tub to the hours of 11 am – 8 pm.

Moved by Councillor John Armour, seconded by Councillor Gordon Blair.

Amendment

To agree to refuse the application for a short term let on the grounds that the premises was not suitable for the conduct of the activity having regard to the location, character or condition of the premises and the possibility of undue public nuisance, public order, or public safety.

Moved by Councillor Luna Martin, seconded by Councillor Graham Hardie.

A vote was taken by calling the roll.

Motion

Councillor Armour
Councillor Blair
Councillor Brown
Councillor Forrest
Councillor Green
Councillor A Hampsey
Councillor D Hampsey
Councillor Howard
Councillor Kain
Councillor Wallace

Amendment

Councillor Hardie
Councillor Kennedy
Councillor Martin

The Motion was carried by 10 votes to 3 and the Committee resolved accordingly.

DECISION

The Committee agreed to grant a short term let licence to Mr Scott subject to the conditions recommended in the report and to the inclusion of an additional condition limiting the use of the hot tub to the hours of 11 am – 8 pm.

(Reference: Report by Regulatory Services and Building Standards Manager, submitted)