

Minute

Licensing Committee

Wednesday, 22 June 2022, 14:00.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors David Dawson, Steven B Heddle, Kristopher D Leask, W Leslie Manson, James R Moar, Gwenda M Shearer and Duncan A Tullock.

Present via remote link (Microsoft Teams)

Councillor Rachael A King.

Clerk

- Angela Kingston, Committees Officer.

In Attendance

- Gavin Mitchell, Head of Legal and Governance.
- Colin Kemp, Interim Head of Finance.
- Roddy Mackay, Head of Planning and Community Protection.
- Nick Long, Service Manager (Environmental Health).
- Sheila Tulloch, Solicitor.
- Hazel Flett, Senior Committees Officer.
- Elaine Sinclair, Legal Clerk.

In Attendance via remote link (Microsoft Teams)

Police Scotland:

- Sergeant Katy Duncan.

Observing

- Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure.
- Kirsty Groundwater, Communications Team Leader.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Hazel Flett, Senior Committees Officer – for Item 1.
- Councillor Duncan A Tullock – for Items 2 to 7.

1. Appointment of Chair

The Senior Committees Officer called for nominations for the post of Chair of the Licensing Committee, and the Committee:

Resolved, in terms of delegated powers, that Councillor Duncan A Tullock be appointed Chair of the Licensing Committee.

Councillor Duncan A Tullock took the Chair for the remainder of the meeting.

2. Appointment of Vice Chair

The Chair called for nominations for the post of Vice Chair of the Licensing Committee, and the Committee:

Resolved, in terms of delegated powers, that Councillor Kristopher D Leask be appointed Vice Chair of the Licensing Committee.

Councillor Steven B Heddle joined the meeting during discussion of this item.

3. Licensing of Short-term Lets – Licensing Conditions

After consideration of a joint report by the Corporate Director for Strategy, Performance and Business Solutions and the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, and after hearing a report from the Head of Legal and Governance, the Committee:

Noted:

3.1. That mandatory licensing of short-term lets would be introduced from 1 October 2022.

3.2. That mandatory licence conditions, attached as Appendix 1 to the joint report by the Corporate Director for Strategy, Performance and Business Solutions and the Corporate Director for Neighbourhood Services and Infrastructure, would apply to licences for short-term lets.

3.3. That licensing authorities might determine additional standard conditions for licences for short-term lets.

The Committee resolved, in terms of delegated powers:

3.4. That the Council should not determine additional standard conditions for licences for short-term lets at present.

4. Licensing of Short-term Lets – Policy on Temporary Exemptions

After consideration of a joint report by the Corporate Director for Strategy, Performance and Business Solutions and the Corporate Director for Neighbourhood Services and Infrastructure, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Head of Legal and Governance, the Committee:

Noted:

4.1. That mandatory licensing of short-term lets would be introduced from 1 October 2022.

4.2. That a licensing authority might, on application made to it, grant a temporary exemption from the requirement to obtain a short-term let licence.

4.3. That a licensing authority must publish, and keep under review, a statement of its policy in relation to temporary exemptions, referred to at paragraph 4.2 above.

4.4. The draft Statement of Policy, attached as Appendix 1 to the joint report by the Corporate Director for Strategy, Performance and Business Solutions and the Corporate Director for Neighbourhood Services and Infrastructure.

The Committee resolved, in terms of delegated powers:

4.5. That the draft Statement of Policy, referred to at paragraph 4.4 above, be approved for public consultation for the period from 27 June to 7 August 2022.

4.6. That the Corporate Director for Strategy, Performance and Business Solutions and the Corporate Director for Neighbourhood Services and Infrastructure should submit a joint report, to the meeting of the Licensing Committee to be held on 1 September 2022, on the outcome of the consultation, referred to at paragraph 4.5 above, together with a proposed final version of the Statement of Policy for adoption.

Councillor Steven B Heddle left the meeting at this point.

5. Licensing of Short-term Lets – Temporary Licences

After consideration of a joint report by the Corporate Director for Strategy, Performance and Business Solutions and the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, and after hearing a report from the Head of Legal and Governance, the Committee:

Noted:

5.1. That mandatory licensing of short-term lets would be introduced from 1 October 2022.

5.2. That temporary licences might be granted for short-term lets for a period not exceeding six weeks.

5.3. That mandatory licence conditions would apply to temporary licences for short-term lets.

Due to internet connectivity issues, Councillor Rachael A King left the meeting during discussion of this item.

6. Licensing of Short-term Lets – Fees for Short-term Let Licences

After consideration of a joint report by the Corporate Director for Strategy, Performance and Business Solutions and the Corporate Director for Neighbourhood Services and Infrastructure, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Head of Legal and Governance, the Committee:

Noted:

- 6.1.** That, in accordance with the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, a short-term let licensing scheme required to be established by the Council by 1 October 2022.
- 6.2.** That, in accordance with Paragraph 15(1) of Schedule 1 to the Civic Government (Scotland) Act 1982, the Council had the power to charge such reasonable fees as it might determine in respect of applications made to the Council under the short-term let licensing scheme.
- 6.3.** That, although a comparison of fees charged by the Council with fees charged for similar types of licences or approvals by other local authorities in the north of Scotland would ordinarily be undertaken, this had not been possible as there was currently no information available to compare.
- 6.4.** That Scottish Government guidance had been taken into account in setting the proposed fees for the short-term let licensing scheme, attached as Appendix 1 to the joint report by the Corporate Director for Strategy, Performance and Business Solutions and the Corporate Director for Neighbourhood Services and Infrastructure.
- 6.5.** That licensing authorities were expected to develop policies on licence duration and renewal.

The Committee resolved, in terms of delegated powers:

- 6.6.** That the proposal that licences for short-term lets have a duration of three years at first application and on renewal be approved for public consultation for the period from 27 June to 7 August 2022.
- 6.7.** That the fees for the short-term let licensing scheme to be introduced on 1 October 2022, referred to at paragraph 6.4 above, be approved for public consultation for the period from 27 June to 7 August 2022.
- 6.8.** That the Corporate Director for Strategy, Performance and Business Solutions and the Corporate Director for Neighbourhood Services and Infrastructure should submit a joint report, to the meeting of the Licensing Committee to be held on 1 September 2022, on the outcome of the public consultation, referred to at paragraphs 6.6 and 6.7 above, together with the proposed fees for the short-term let licensing scheme, and duration of licences, to be effective from 1 October 2022.

Councillor Rachael A King rejoined the meeting during discussion of this item.

7. Conclusion of Meeting

At 15:17 the Chair declared the meeting concluded.

Signed: Duncan A Tullock.