

**GENERAL PURPOSES BOARD – 28 SEPTEMBER 2022**

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**General Purposes Board****Wednesday 28 September 2022 at 10am**

**Present:** Provost McKenzie, Councillors Armstrong, Cassidy, Crowther, Moran, McCluskey, Quinn, Reynolds and Wilson.

**Chair:** Councillor Moran presided.

**In attendance:** Head of Legal & Democratic Services, Legal Services Manager (Litigation, Licensing and Committee Services), Public Protection Manager, Mr D Keenan, Ms F Denver and Ms E Peacock (Legal & Democratic Services).

**In attendance also:** Sergeant F Moore-McGrath (Police Scotland) and Watch Commander A Rice (Scottish Fire and Rescue Service).

The meeting was held at the Municipal Buildings, Greenock with Councillors Crowther and McCluskey attending by video-conference.

**The following paragraphs are submitted for information only, having been dealt with under the powers delegated to the Board.**

**457      Apologies, Substitutions and Declarations of Interest****457**

Apologies for absence were intimated on behalf of Councillor Brennan and Councillor Curley.

No declarations of interest were intimated, but certain connections were intimated for the purposes of transparency as follows:

Agenda Item 2 (Licensing of Short-term Lets/Consideration of Draft STL Policy Statement) – Councillor Armstrong

**458      Licensing of Short-term Lets/Consideration of Draft STL Policy Statement****458**

There was submitted a report by the Head of Legal & Democratic Services providing an update on the proposed amendments to the draft Short-term Lets (STL) Policy Statement in light of concerns expressed by the Board at its meeting on 21 September 2022.

Councillor Armstrong declared a connection as the owner of a Short-term Let situated outwith the Inverclyde area. She also formed the view that the nature of her connection and of the item of business did not preclude her continued presence in the meeting or her participation in the decision-making process and was declaring for transparency.

The Legal Services Manager (Litigation, Licensing and Committee Services) provided the Board with a verbal update and advised that, following consultation with Watch Commander Rice of the Scottish Fire and Rescue Service, that Condition 12 of the Additional Standard Licence Conditions as set out in Appendix 4 of the Draft Short-term Lets Policy Statement document required to be amended in order that it shall read:

The Licence holder must have available the following information within the premises in a place where it is accessible to all guests:

Fire Safety Risk Assessment

Emergency Action Plan

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The Board heard from Watch Commander Rice in relation to Conditions 11 and 12 of the Additional Licence Conditions as set out in Appendix 4 of the Draft Short-term Lets Policy Statement document.

Following discussion, Councillor Moran moved that (1) all 9 recommendations as set out in the report and as agreed at the meeting and (2) all of the Additional Standard Licence Conditions as set out in Appendix 4 of the Draft Short-term Lets Policy document be approved.

As an amendment, Councillor Wilson moved that (1) all 9 recommendations as set out in the report and as agreed at the meeting and (2) only Conditions 11 and 12 of the Additional Standard Licence Conditions as set out in Appendix 4 of the Draft Short-term Lets Policy document be approved.

Following a roll call vote, three Members, Provost McKenzie, Councillors Wilson and Quinn voted for the amendment and six Members, Councillors Moran, Armstrong, Cassidy, Crowther, McCluskey and Reynolds voted for the motion which was declared carried.

**Decided:**

- (1) that the terms of the report be noted together with the views expressed in response to the public consultation exercise on the licensing of Short-term Lets (STLs) and the terms of the draft STL Policy Statement as set out in appendix 2 to the report;
- (2) that no changes be made to the STL Policy Statement as set out in appendix 2 in light of the responses received to the Consultation;
- (3) that the STL Policy Statement as set out in appendix 2 be approved and adopted;
- (4) that there be no temporary exemptions for the licensing of STLs as detailed in paragraph 5.2 of the report;
- (5) that there be no temporary STL licences granted as detailed in paragraph 5.3 of the report;
- (6) that all the additional conditions as detailed in appendix 4 of the Draft Short-term Lets Policy document be approved as part of the STL Policy Statement, namely:
  - (a) The Licence holder shall provide guests, no later than 2 days from the booking date, with information on the property/appliances and how to dispose of refuse (including general and recyclable refuse) properly and appropriately from the licensed premises;
  - (b) The Licence holder shall ensure that the refuse facilities at the premises are in the communal surrounding areas of the premises are used appropriately at all times by the guests;
  - (c) The Licence holder shall act reasonably in relation to the management of the licensed premises in respect of any dealings with neighbouring residents of the premises and in relation to the payment of their share of all maintenance costs, insurance costs and repair costs of areas in common relative to the premises and in dealings with any other owners and relevant factor;
  - (d) The Licence holder must take reasonable steps to investigate any complaint made by residents of neighbouring properties relating to the behaviour of any guests at or in the vicinity of the licensed premises and to respond in a fair and proportionate manner;
  - (e) The Licence holder shall advise guests that as a condition of booking they must provide details of a named person over the age of 21 years;
  - (f) The Licence holder, as part of the booking conditions should advise guests' that additional noise making equipment such as decks and speakers are prohibited at the premises;
  - (g) The Licence holder must not affix a key box (or other device to facilitate the entry for guests to the licensed premises) to any public or jointly owned private infrastructure without prior written permission of the relevant authority or owners. The Licence holder must be able to produce the relevant permissions to the Licensing Authority on request;

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(h) The Licence holder must take reasonable steps to ensure that guests do not arrive first or finally depart from the licensed premises between the hours of 11.00pm and 7.00am. The Licence holder must advise guests of this as part of their booking conditions;

(i) The Licence holder must ensure that window opening restrictor locks are provided to all windows which can be opened;

(j) The Licence holder shall require to produce on demand to any authorised person any policy, certificate, document, record, certificate of inspection or safety, licence or plan required by or issued in terms pursuant to any condition of this licence;

(k) The Licence holder shall require to undertake a Fire Safety Risk Assessment (FSRA) which requires to be reviewed annually by the Licence holder;

(l) The Licence holder must display the following information within the premises in a place where it is accessible to all guests:

- Fire Safety Risk Assessment
- Emergency Action Plan

(m) Additional Conditions in relation to type of property

**Detached remote rural properties:** None

**Detached and semi-detached terraced urban properties:**

(i) the Licence holder shall advise guests that as a condition of booking they must comply with the requirements related to the use of outside areas and take reasonable steps to ensure the restrictions are being complied with.

(ii) an out-of-hours contact number must be provided by the Licence holder to the local authority and the neighbouring householders for use in the case of an out-of-hours noise, anti-social behaviour or other emergency issues such as plumbing leaks.

(iii) door closers must be provided to all internal doors to prevent the risk of noise issues affecting neighbouring households.

(iv) no outdoor gatherings in common external areas after 11.00pm and before 7.00am.

**Flats, tenements, high-rising maisonettes:**

(i) the Licence holder shall advise guests that as a condition of booking they must comply with requirements related to the use of the common internal and outside areas and take reasonable steps to ensure the restrictions are being complied with.

(ii) the Licence holder shall ensure that guests are advised that they must ensure any security doors and/or any security devices are not disabled during the duration of their stay.

(iii) no laminate flooring/floorboards or other types of hard floors are permitted in premises situated above any habitable flat.

(iv) an out-of-hours contact number must be provided by the Licence holder to either the local authority and/or the neighbouring householders for use in the case of out-of-hours noise/anti-social behaviour or other emergency issues such as plumbing leaks.

(v) door closers must be provided to all internal doors to prevent the risk of noise issues affecting neighbouring households.

(vi) no items of equipment should be installed or placed in communal areas or any changes made to communal spaces by the Licence holder without the written consent of other owners of the property. This includes but is not restricted to the garden or deck access area, trampolines, hot tubs, spa's and fire pits.

(vii) Licence holders are responsible for ensuring that guests are aware of all property factoring conditions (including conditions in relation to pets and communal laundry access). Door closers must be provided to all internal doors to prevent the risk of noise issues affecting neighbouring households.

(7) that the fee structure of STL licences as detailed in section 6.4 of the report be agreed;

(8) that delegated authority be granted to the Head of Legal & Democratic Services,

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in consultation with the Chair of the General Purposes Board, to make such further changes to the STL Policy Statement as are deemed necessary further to the Board's decision, and thereafter finalise and publish the STL Policy Statement;

(9) that a review of the STL Policy Statement be undertaken within 12 months of the implementation of the STL Policy Statement on 1 October 2022; and

(10) that additionally it be remitted to officers to provide an update report on the enforcement of the STL Policy and any resourcing issues in six months' time.