



Notice of Decision For a Short-term Let (STL) Licence

Under the
Civic Government (Scotland) Act 1982
(Licensing of Short-term Lets) Order 2022

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| NAME OF LICENCE HOLDER/s | Scotsman Group Plc |
| STL PREMISES ADDRESS | Flat 5 Inchcape House St Marys Place St Andrews Fife |
| LICENCE NUMBER | FI-01067-F |
| LICENCE TYPE | Secondary Letting |
| MAXIMUM NUMBER OF OCCUPANTS | 2 |
| DATE APPLICATION RECEIVED | 15/09/2023 |
| DATE OF DECISION | 14/08/2024 |
| DATE LICENCE TAKES EFFECT | 15/08/2024 |
| DATE LICENCE EXPIRES (UNLESS REVOKED) | 14/08/2027 |
| DATE LICENCE SERVED | 15/08/2024 |

Fife Council (the local authority) on 15th Sep 2023 received an application for a Short-term Let license from:
Scotsman Group Plc

For the premises at:
Flat 5, Inchcape House, St Marys Place, St Andrews, Fife, KY16 9UY

On 14th Aug 2024 Fife Council granted a Short Term Let licence to come into effect on 15th Aug 2024 until 14th Aug 2027 subject to the undernoted licence conditions.

Licence Conditions

- LC01** Only those named as a holder of the licence can carry out the day-to-day management of the short-term let of the premises.
- LC02** The holder of the licence may only offer the type of short-term let for which the licence has been granted.
- LC03** The holder of the licence must ensure the premises has satisfactory equipment installed for detecting, and for giving warning of—
- (a) fire or suspected fire, and
 - (b) the presence of carbon monoxide in a concentration that is hazardous to health.
- LC04** The holder of the licence must keep records showing that all upholstered furnishings and mattresses within the parts of the premises which are for guest use, or to which the guests are otherwise permitted to have access, comply with the Furniture and Furnishings (Fire Safety) Regulations 1988(a).
- LC05** Where the premises has a gas supply—
- (a) the holder of the licence must arrange for an annual gas safety inspection of all gas pipes, flues and appliances in the premises,
 - (b) if, after an annual inspection, any appliance does not meet the required safety standard, the holder of the licence must not allow a short-term let of the premises until the works necessary to bring the appliance to the required safety standard have been carried out.
- LC06** Where there are electrical fittings or items within the parts of the premises which are for guest use, or to which the guests are permitted to have access, the holder of the licence must—
- (a) ensure that any electrical fittings and items are in—
 - (i) a reasonable state of repair, and
 - (ii) proper and safe working order,
 - (b) arrange for an electrical safety inspection to be carried out by a competent person at least every five years or more frequently if directed by the competent person,
 - (c) ensure that, following an electrical safety inspection, the competent person produces an Electrical Installation Condition Report on any fixed installations,
 - (d) arrange for a competent person to—
 - (i) produce a Portable Appliance Testing Report on moveable appliances to which a guest has access, and
 - (ii) date label and sign all moveable appliances which have been inspected.
- LC07** In determining who is competent, the holder of the licence must have regard to guidance issued by the Scottish Ministers under section 19B(4) of the Housing (Scotland) Act 2006(a).
- LC08** Where the premises are served by a private water supply, the licence holder must comply with the requirements on the owners of private dwellings set out in

the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017(b).

- LC09** The holder of the licence must assess the risk from exposure to legionella within the premises, whether or not the premises are served by a private water supply.
- LC10** 1) The holder of the licence must take all reasonable steps to ensure the premises are safe for residential use.
2) Where the premises are subject to the requirements of Chapter 4 of Part 1 of the Housing (Scotland) Act 2006, the holder of the licence must ensure that the premises meet the repairing standard.
- LC11** The licence holder must ensure that the number of guests residing on the premises does not exceed the number specified in the licence.
- LC12** The holder of the licence must make the following information available within the premises in a place where it is accessible to all guests—
- (a) a certified copy of the licence and the licence conditions,
 - (b) fire, gas and electrical safety information,
 - (c) details of how to summon the assistance of emergency services,
 - (d) a copy of the gas safety report,
 - (e) a copy of the Electrical Installation Condition Report, and
 - (f) a copy of the Portable Appliance Testing Report.
- LC13** Where the premises is in a short-term let control area for the purposes of section 26B of the Town and Country Planning (Scotland) Act 1997(c) (“the 1997 Act”), the holder of the licence must, where the use of the premises for a short-term let requires planning permission under the 1997 Act, ensure that either—
- (a) an application has been made for planning permission under the 1997 Act and has not yet been determined, or
 - (b) planning permission under the 1997 Act is in force.
- LC14** (1) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises includes—
- (a) the licence number, and
 - (b) a valid Energy Performance Certificate rating if an Energy Performance Certificate is required for the premises, in accordance with the Energy Performance of Buildings (Scotland) Regulations 2008(a).
- (2) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises is consistent with the terms of the short-term let licence.
- LC15** The holder of the licence must ensure that there is in place for the premises—
- (a) valid buildings insurance for the duration of the licence, and
 - (b) valid public liability insurance for the duration of each short-term let agreement.
- LC16** The holder of the licence must pay any fees due to the Council in respect of the licence on demand.

- LC17** The holder of the licence must not provide any false or misleading information to the Council in relation to Short-term Let Licensing.
- LC18** The licence holder must take reasonable steps to manage the premises in such a way as to seek and prevent and deal effectively with any anti-social behaviour by guests to anyone else in the short-term let and in the locality of the short-term let.
- LC19** The licence holder must take reasonable steps to:
- Ensure that no disturbance or nuisance arises within or from the premises, for example by explaining the house rules to the guests
 - Deal effectively with any disturbance or nuisance arising within or from the premises, as soon as practicable after the licence holder is made aware of it; and
 - Ensure any vehicles belonging to guests are parked lawfully, for example explaining where any designated parking spaces are to be found and highlighting any local rules
- LC20** The licence holder must manage the premises in such a way as to respect and protect the privacy and security of neighbours. The licence holder must ensure:
- Guests know and understand any particular rules applying to shared areas and entrances
 - Guests understand that shared doors should be properly and securely closed after use; and
 - The provision of access codes or keys to guests cannot be used by guests to gain access to shared areas after they have finally departed
- LC21** The licence holder must take reasonable steps to minimise noise impact on neighbouring properties to short-term lets. Reasonable steps may include:
- Physical modification to the property in order to minimise noise impact on neighbours, such as:
 - Replacing wood/laminate/vinyl floors with carpets; or
 - Installing door closers to prevent doors being slammed
- LC22** The licence holder must take reasonable steps to ensure that guests do not first arrive or finally depart from the property between the hours of 11pm to 7am. The licence holder must advise guests of this as part of their booking terms and conditions. ("Reasonable steps" allows for exceptions, such as significantly delayed transport).
- LC23** The licence holder must provide adequate information on, and facilities for, the storage, recycling and disposal of waste.
- The licence holder must provide written documentation to guests, advising them of:
- Their responsibilities
 - The use of the bins/sacks provided for the premises
 - The location of the nearest recycling centre or recycling point
- The licence holder must:
- Clearly label bins belonging to the premises

- Ensure that guests manage their waste in compliance when they depart
- Maintain the bin storage area and the exterior of the premises in a clean and tidy condition

LC24 The Licence holder must not affix a key box, or other device to facilitate guest entry to the property, to any public or jointly owned private infrastructure without prior written permission of the relevant authority or owner(s). The licence holder must be able to produce the permission to the licensing authority on request.

LC25 The Licence Holder must take steps to ensure that the property, fittings and furniture, water, drainage, gas and electrical installations, are maintained throughout the period of the Licence to the standard required. The licence holder should hold all the necessary certificates. This is supplementary to the mandatory conditions.

LC26 The Licence Holder must ensure that instructions to occupiers on action to be taken in the event of an emergency, together with details of who to contact in an emergency along with their contact details, is clearly and prominently displayed within the living accommodation. This is supplementary to the mandatory conditions.

LC27 The Licence Holder must ensure that the physical standards for the living accommodation remain suitable for the duration of the licence.

LC28 This licence is not transferrable, and the Licence Holder must not sublet the property for use as a Short-term Let to any party. This is supplementary to the mandatory conditions.

LC29 The Licence Holder must ensure that actions to secure repossession are only by lawful means.

LC30 Prohibition of Liquefied Petroleum Gas (LPG) room-heaters and storage of inflammable liquids:

- (a) The licence holder shall not permit the use or storage on the premises of LPG room-heaters or, unless in an external store designed and approved for such storage, the storage of any liquified petroleum gas (LPG) or any highly inflammable liquid, gas, or substance
- (b) This condition shall not apply to small amounts of liquids or gas sold in small non-refillable retail packs (e.g. lighter fuel or cosmetic appliance cartridges) kept by guests for their own use. Nor shall it apply to the external storage of LPG in cylinders or tanks which are provided by the licence holder for the provision of gas for cooking or for water or space heating or other domestic use, provided the storage complies fully with LPGA Codes of Practice and Building Regulation Technical Standards and that any installation connected to such cylinders or tanks complies with The Gas Safety (Installation and Use) Regulations 1998 or any amendment thereto

LC31 Where there is a solid fuel appliance within the premises (e.g. open fire and/or wood burning stove), the holder of the licence shall ensure:

- (a) the chimney/flue associated with the appliance is inspected and cleaned annually by a suitably competent person
- (b) a record of the annual inspection and cleaning of the flue is able to be produced, on request by the Council

LC32 Where there is a hot tub provided at the premises, the holder of the licence shall ensure:

- (a) that it is suitably located and maintained so as to ensure it can be safely operated and used by guests
- (b) that suitable and sufficient cleaning and disinfection procedures are in place
- (c) that guests are provided with clear instructions on its safe use and any restrictions on its use
- (d) that it is kept securely covered when not in use

LC33 The Licence Holder shall comply with the current Ofgem provisions regarding the maximum re-sale prices of gas and electricity supplied, as appropriate.

LC34 The certificates of building insurance and public liability insurance must be clearly and prominently displayed within the living accommodation for the duration of the licence.

LC35 The Licence Holder together with, (if applicable, any director, partner or other person concerned in the management of the licence holder) and if applicable the licence holder's agent (including any director, partner or other person concerned in the management of the agent) have been deemed fit and proper to hold a licence. In the event that any party aforementioned behaves in a way which would call into question their suitability to hold a licence, including but not limited to, any finding by a court or tribunal that they have practised unlawful discrimination; being charged with a criminal offence or of any civil or criminal proceedings relating to housing, public health, environmental health or landlord and tenant law resulting in a judgement or finding being made against them, then the Licence Holder must advise Fife Council as soon as reasonably practicable, and no later than 14 days from the date of the incident. This is supplementary to the mandatory conditions.

LC36 The Licence Holder must maintain up-to-date records of guests to include the following information:

- (a) Guest full name and contact details
- (b) Dates of entry and departure of each occupant

This information must be made available to Officers of Fife Council on request.

LC37 The Licence Holder must ensure that all approaches, staircases and passageways shall be kept entirely free from obstructions. All emergency exits or means of escape shall be available at all times and either capable of being opened from the inside without recourse to a key or, if a key is required, that key can be easily accessed. The layout and arrangement of premises shall be such as Fife Council consider satisfactory, where the property is inspected, to

allow and permit the safe and orderly evacuation of the premises in the event of an emergency.

- LC38** The Licence Holder must ensure that the building is maintained to a reasonable state of repair, having regard to its age, type and location. Garden and environmental areas should also be safe and adequately maintained. Both the exterior and interior of the property must be maintained in reasonable decorative order. This is supplementary to the mandatory conditions.
- LC39** Where the premises is in a shared building the Licence Holder should co-operate and participate in the general repair and maintenance of the building and the cleaning of common parts.
- LC40** Any repairs, safety checks, maintenance work, pest treatment or any other work carried out in respect to the property or any installations, facilities or equipment within it are carried out by a suitably competent person (relevant current training/qualifications and experience). This is supplementary to the mandatory conditions.
- LC41** No alterations to the layout of the property including structural or non-structural shall be carried out within the licensed premises without the prior approval of the licensing authority, in writing. This is supplementary to the mandatory conditions.
- LC42** If there is a material change of circumstance affecting the Licence Holder, their agent or the operation of the premises; the Licence Holder, their agent or their legal representative must inform the licensing authority as soon as possible.
- LC43** The Licence Holder shall ensure that, access is permitted to Fife Council Officers in connection with carrying out statutory duties, whether such inspections are scheduled or unannounced.

Licence Note

This Licence may be varied or otherwise amended by Fife Council for any lawful reason. In particular this may occur if Fife Council or any other agency has not carried out necessary checks within the statutory period for determining an application.

The Scottish Fire & Rescue Service (SFRS) may carry out a fire safety audit during the term of this licence. You may receive a letter confirming their findings and will be required to comply with any instructions lawfully given by SFRS or Fife Council in this regard.

Reasons

This document is not Reasons for a Decision, with reference to Paragraph 23(2) of the Civic Government (Scotland) Act 1982.

Fit and Proper person

The local authority are satisfied that the licence holder/s named below:

Scotsman Group Plc

Or any director, partner or other person concerned in the management of the property is a fit and proper person to be authorised to permit persons to occupy any living accommodation as a STL.

Suitability of living accommodation

The local authority considers that the living accommodation concerned is suitable for occupation as a STL or can be made suitable by the inclusion of the conditions in the licence as outlined above.

Appeal

Parties to whom this notice was served, with the exception of the Agent, unless they are acting on behalf of the Licence Holder, have the right of appeal to the Sheriff. An appeal to the Sheriff must be made within 28 days of receiving this Notice of Decision. Where the Notice of Decision is sent by email, it is treated as being received the following day. The decision of the Sheriff can be further appealed to the Sheriff Appeal Court.

Service

A copy of this Notice has been served on

- 1. The Licence Holder/s:**
Scotsman Group Plc, Hamilton House, 70 Hamilton Drive, Glasgow, G12 8DR
- 2. The Fire Authority:**
Scottish Fire and Rescue Service Headquarters, Strathore Road, Thornton, Kirkcaldy, KY1 4DF by email
- 3. The Chief Constable:**
Police Scotland, Fife Headquarters, Detroit Road, Glenrothes, KY6 2RJ by email

Signed for and on behalf of Fife Council

Signature: 

Date: 14/08/2024

**Mhairi Mullen, Service Manager,
Income, Poverty & Private Housing**