



Yvette Lewis
Burnbrae Mill
Nenthorn
TD5 7RY

Please ask for:

Licensing Unit
DDI: 01835 826662

Our Ref:

SB-00438-F

Your Ref:

E-Mail:

stlicensing@scotborders.gov.uk

Date:

27th June 2024

Dear Sir/Madam

**Civic Government (Scotland) Act 1982
(Licensing of Short Term Lets) Order 2022
Short Term Let Licence - Grant
Thairn Burnbrae Nenthorn Kelso Scottish Borders TD5 7RY**

I refer to your recent application in respect of the above property.

Following consultation and having received no adverse comments in respect of your application, I can confirm formally that your licence has been approved. Your licence number for the property is SB-00438-F, and this reference number should be used in all future correspondence with the Council's Licensing Team.

As you will be aware, the licence is granted for a period of three years from the date of approval, subject to full compliance with the mandatory conditions and the additional conditions approved by Scottish Borders Council (both included with the licence enclosed). The expiry date being 27th June 2027

Please note full details and further information relating to Short Term Let licensing scheme can be found on the Council's website www.scotborders.gov.uk/licensing/short-term-lets, along with an updated version of the Policy Statement.

Our apologies once again for the delay in the issue of your licence. If you have any queries with regards to the above or the enclosed, please do not hesitate to contact us.

This licence is issued for 3 years from the date of issue subject to compliance with the following mandatory conditions. The expiry date is also provided for your convenience.

Yours faithfully

A handwritten signature in black ink, appearing to read 'J. M. Lachenby'.

Licensing Officer

Enc

For information -

Please note, the granting of a short term let licence application does not supersede the requirement for planning permission or a certificate of lawful use if it is required or building warrant thorough Building Standards. The use of a property as a short term let can, in many cases, be carried out without the need for planning permission or building warrant, however depending on the circumstances in each case, short-term letting may result in a material change of use requiring planning permission or building warrant. If you are unsure of the position with regards your property, please ensure that you seek confirmation that the proposed/existing use is lawful. Further information is available through the [ePlanning portal](#). Please note that this information might be sought by the Licensing Team in the supporting documentation when renewing your licence.



SCOTTISH BORDERS COUNCIL

Civic Government (Scotland) Act 1982

(LICENSING OF SHORT-TERM LETS) ORDER 2022

SHORT TERM LET LICENCE

Short Term Let licence number SB-00438-F

Full Name of Licence Holder(s): Yvette Lewis

Date Valid: 27th June 2024

Expiry: 27th June 2027

Full postal address of premises: The above named licence holder is hereby authorised to operate Short Term let(s) in or from the premises at and forming:

Thairn Burnbrae
Nenthorn
Kelso
Scottish Borders
TD5 7RY

Type of Short Term Let:

Secondary letting

Maximum occupancy: 3

Subject to the terms of the Civic Government (Scotland) Act 1982 and in accordance with the conditions specified hereafter.

Date: 27th June 2024

A handwritten signature in black ink, appearing to read "J. M. Lacherty".

Licensing Officer

Licensing of Short-Term Lets - Mandatory Licence Conditions

In terms of Article 6 and Schedule 3 to the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022

Agents

1. 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.

Type of licence

2. The holder of the licence may only offer the type of short-term let for which the licence has been granted.

Fire Safety

3. 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.
4. The holder of the licence must keep records showing that all upholstered furnishing 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.

Gas Safety

5. 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.

Electrical Safety

6. 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 of the 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.
7. 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.

Water Safety: private water supplies

8. 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.

Water Safety: legionella

9. 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.

Safety and repair standards

10. (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.

Maximum Occupancy

11. The licence holder must ensure that the number of guests residing on the premises does not exceed the number specified in the licence.

Information to be displayed.

12. 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.

Planning Permission

13. 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 ("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.

Listings

14. (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 and Energy Performance Certificate is required for the premises, in accordance with the Energy Performance of Buildings (Scotland) Regulations 2008.
- (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.

Insurance

15. 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.

Payment of fees

16. The holder of the licence must pay any fees due to the licensing authority in respect of the licence on demand.

False or misleading information

17. The holder of the licence must not provide any false or misleading information to the licensing authority.

Interpretation

18. In these Conditions:
- "Electrical Installation Condition Report" means a report containing the following information:
- (a) the date on which the inspection was carried out,
 - (b) the address of the premises inspected,
 - (c) the name, address and relevant qualifications of the person who carried out the inspection,
 - (d) a description, and the location, of each installation, fixture, fitting, and appliance inspected,
 - (e) any deficit identified,
 - (f) any action taken to remedy a defect,

"Energy Performance Certificate" means a certificate which complies with regulation 6 of the Energy Performance of Buildings (Scotland) Regulations 2008.

"Gas safety report" means a report containing the following information:

- (a) the date on which the appliance or flue was checked,
- (b) the address of the premises at which the appliance or flue is installed,
- (c) a description of and the location of each appliance or flue checked,
- (d) any safety defect identified,
- (e) any remedial action taken.
- (f) confirmation that the check undertaken complies with the requirements of an examination of:
 - (i) the effectiveness of any flue,
 - (ii) the supply of combustion air,
 - (iii) subject to head
 - (iv), its operating pressure or heat input or, where necessary, both, (iv) if it is not reasonably practicable to examine its operating pressure or heat input (or, where necessary, both), its combustion performance, (v) its operation to ensure its safe functioning,
- (g) the name and signature of the individual carrying out the check, and
- (h) the registration number with which that individual, or that individual's employer, is registered with a body approved by the Health and Safety Executive for the purposes of regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998.

Licensing of Short-Term Lets - Additional Licence Conditions

Antisocial behaviour

1. The licence holder shall/must take reasonable steps to manage the premises in such a way as to seek to prevent and deal effectively with any noise nuisance or antisocial behaviour by guests to anyone else in the short-term let and in the locality of the short-term let.
2. The licence holder shall 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 reasonably practicable after the licence holder is made aware of it; and
 - Ensure that any vehicles belonging to guests are parked lawfully, for example explaining where any designated parking spaces (if applicable) are to be found and highlighting any local rules.
 - Shall notify the Council as soon as reasonably practicable of the details of any incident of antisocial behaviour affecting or emanating from the premises which has required Police involvement.

Privacy and security

1. The licence holder shall take reasonable steps to manage the premises in such a way as to respect and protect the privacy and security of neighbours.
2. The licence holder shall take reasonable steps to ensure:
 - Guests know and understand any particular rules applying to any 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.

Littering and waste disposal

1. The licence holder shall provide adequate information on, and the facilities for, the storage, recycling and disposal of waste.
2. The licence holder shall be responsible for advising residents of the refuse collection day and for making arrangements for the presentation of bins for collection at the appropriate time and day.
3. The licence holder shall advise guests of:
 - Their responsibilities;
 - The use of the bins etc. provided for the premises; and
 - The location of the nearest recycling area or recycling point.
4. The licence holder shall:
 - Clearly label bins as belonging to the premises;
 - Take reasonable steps to ensure that guests manage their waste in compliance with (2), including when they depart; and

- Maintain any bins storage area and the exterior of the premises in a clean and tidy condition.

Damage to property

The licence holder shall not affix a key box, or any other device to facilitate guest entry to the premises, to any public or jointly-owned private structure or infrastructure without the prior consent of the relevant authority or owner(s). The licence holder must be able to produce the evidence of the permission to the licensing authority on demand.

Additional Conditions for Guest Safety

Legionella risk assessment – spa pools/hot tubs

1. Where a spa pool, including any electric hot tub or wood-fired hot tub, is provided for the use of guests, the licence holder must install, maintain and operate it so it can be safely operated and used by guests.
2. The licence holder shall ensure:
 - That any such spa pool is installed and maintained in accordance with the guidance in HSE publication HSG282 *Control of legionella and other infectious agents in spa-pool systems*.
 - That there is a risk assessment and written scheme of control for *Legionella* in respect of any such spa pool.
 - That the risk assessment and written scheme of control are lodged with any application for a licence and are to the satisfaction of the licensing authority.
 - That, prior to any spa pool being brought into use for the first time during the period of the licence, at least 28 days' notice shall be given to the licensing authority and the risk assessment and written scheme of control shall be submitted at the time of such notice.
3. The licence holder shall provide guests with information on the safe use of the spa pool in accordance with the written scheme of control.
4. The licence holder shall not provide or install any inflatable hot tub for the use of guests without the prior written approval of the licensing authority. Note that the licensing authority will not give approval in respect of inflatable hot tubs not intended for commercial use and which cannot conform to the requirements of HSG282.

Guest safety – swimming pools and ponds

1. Where a swimming pool or swimming pond is installed and provided for the use of guests, the licence holder must take reasonable measures to ensure water quality and bather safety.
2. The licence holder shall ensure:
 - In the case of swimming pools, that a pool safety operating plan is prepared and lodged with any application for a licence and is to the satisfaction of the licensing authority. The licence holder shall have regard to the guidance in HSE publication HSG179 *Health and safety in swimming pools*.
 - In the case of swimming pools and swimming ponds, that a bather safety plan is prepared and lodged with any application for a licence and is to the satisfaction of the licensing authority. The bather safety plan shall include measures to minimise the risk of bathers getting into difficulty, to facilitate the rescue of bathers in difficulty and to call for the assistance of emergency services where necessary.

- That, prior to any swimming pool or pond being brought into use for the first time during the period of the licence, at least 28 days' notice shall be given to the licensing authority and the pool safety operating plan and bather safety plan shall be submitted at the time of such notice.
3. In this condition, "swimming pond" means an outdoor body of untreated water in natural ground which has been excavated or modified to provide a facility for swimming. It does not include natural watercourses, fresh-water lochs or coastal waters.
 4. This condition does not apply to swimming pools which are staffed and operated with continuous poolside supervision by trained lifeguards.

Risk of Carbon monoxide – barbecue huts

1. Where a barbecue hut is installed and provided for the use of guests, the licence holder must take reasonable steps to ensure that the risk from Carbon monoxide is minimised.
2. The licence holder shall:
 - Install, maintain and operate the barbecue hut only in accordance with the manufacturer's instructions.
 - Install and maintain in proper working condition a Carbon monoxide monitor and alarm within the barbecue hut.
 - Provide guests with instructions on the safe use of the barbecue hut, the symptoms of Carbon monoxide poisoning and the actions to be taken in an emergency.
 - Not permit the use of the barbecue hut by persons under the age of 18 except in the presence of a person over the age of 18.
 - Not permit the use of a barbecue hut as sleeping accommodation.

Guest safety – additional services or equipment

Where additional services or equipment are provided that are ancillary to the provision of accommodation these must be provided and maintained in accordance with the manufacturers instructions, relevant national governing body advice and guidance as well as all relevant government guidance and legislation. The Licence Holder must take all reasonable measures to ensure safe use of any services/equipment by all guests.

Additional Conditions that may be applied following on from investigations of concern regarding noise.

Note: These Conditions are published in accordance with Scottish Government Guidance that any proposed additional conditions should be published. These are not applied to all licences. They will be recommended to the Committee following specific case investigations by the Council's Environmental Health team and if the use of the condition is deemed appropriate and proportionate for the specific case by enforcement officers following the Enforcement Policy for Environmental Health.

(i) The licence holder must take reasonable steps to ensure that the bedrooms, living room and any hallway in the premises have a suitable floor covering in order to minimise impact and airborne noise affecting any properties below. (i.e. carpet or vinyl floor covering with quality underlay). (Condition may be applied following investigation of concerns regarding noise and would be applied to properties located at first floor and/or above a residential property located below),

(ii) 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. (Note: "Reasonable steps" allows for exceptions such as delayed transport). (Condition would only be applied following investigations of concerns regarding noise where a property is located at first floor and/or above a residential property is located below, in close proximity to a neighbouring property or where there is a shared entrance/communal area).

(iii) The licence holder must take reasonable steps to ensure that guests do not play amplified music within the garden or external areas after 2300 hours where it would impact neighbouring residents. (Condition may be applied following investigation of concerns regarding noise associated with playing music in outdoor areas).