

Orkney Islands Council

Short-term Lets – Objections and Representations

This document contains information available in the Civic Government (Scotland) Act 1982, the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 and Guidance issued by the Scottish Government. It contains broad guidance and a pro-forma objections/representations form. If you are unclear about the information provided or what to do next, please contact your solicitor for advice.

Possible grounds for objections or representations

The 1982 Act states that a licensing authority shall refuse an application to grant or renew a licence if, in their opinion:

(a)	the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either:	
	(i)	for the time being disqualified under section 7(6) of the 1982 Act, or
	(ii)	not a fit and proper person to be the holder of the licence;
(b)	the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if s/he made the application him/herself;	
(c)	where the licence applied for relates to an activity consisting of or including the use of premises, those premises are not suitable or convenient for the conduct of the activity having regard to:	
	(i)	the location, character or condition of the premises;
	(ii)	the nature and extent of the proposed activity;
	(iii)	the kind of persons likely to be in the premises;
	(iv)	the possibility of undue public nuisance; or
	(v)	public order or public safety; or
(ca)	the applicant would not be able to secure compliance with:	
	(i)	the mandatory licence conditions, and
	(ii)	the standard conditions and any further conditions to which the licence is to be subject,
(cb)	the application does not contain the consent of the owners of the premises, or	
(d)	there is other good reason for refusing the application;	

and otherwise shall grant the application.

General

An objection or representation must:

- be made in writing;
- specify the ground(s) of the objection or nature of the representation;
- specify the name and address of the person making it; and
- be signed by the objector, or on their behalf.

Objections or representations should be made within 28 days of public notice of the application being given.

The Council may take into account a late objection or representation if they are satisfied that there is sufficient reason why it was not made within the period of 28 days. A late objection or representation must therefore be accompanied by a detailed explanation of why it was not submitted earlier.

The Council must send a copy of any objection or representation to the applicant.

The application and objections or representations will be considered at a meeting of the Council's Licensing Committee.

The applicant and anyone who has made an objection or representation will be given the opportunity to be heard at the meeting. The Council will give all parties at least 14 days' notice of the hearing date. The meeting will be held in public, so other members of the public can observe the proceedings. Anyone who has made an objection or representation will be invited to speak about their submissions and the applicant will be invited to state why their application should be granted. Members of the Committee may follow up with questions before deciding whether or not to grant the application.

The Council's Short-term Lets Licensing Team – Contact Details

- Email: shortletslicensing@orkney.gov.uk
- Post: Head of Legal and Governance, Council Offices, School Place, Kirkwall, Orkney KW15 1NY.
- Telephone: 01856 873535 extensions 2232 or 2229 (voicemail available).

Objections/Representations Form

Please read the Council's Guidance on objections and representations above before completing this form.

Please complete this form in typewritten or block capital script, using black ink.

Details of person making objection or representation	
Name:	
Address including post code:	
Telephone numbers, landline and mobile (these shall not be shared with the applicant):	
Email address (this shall not be shared with the applicant):	
Details of licence application	
Premises address including post code:	
Details of objection or representation	
Specify the ground(s) of objection / representation by reference to those listed as (a) to (d) above – provide details and submit supplementary A4 sheets if required:	
(a)	
(b)	
(c)	
(ca)	

(cb)	
(d)	

Signature:	
Name:	
Date:	