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EAST LOTHIAN CO. 27 JUN 2024	UNCERT
LOCAL ACCES	East Lothian Council
LOCAL ACCESS POIN BRUNTON HALL	VT

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

APPLICATION FOR GRANT / RENEWAL OF SHORT-TERM LET LICENCE

Your full name Helen Cormack Date of birth	ndividual 🕞 Corporate Entity 🗌 0 1 JUL 2 Fill in if you are applying as an individual: Fitle Mrs Your full name Helen Cormack	024
Your full name Helen Cormack Date of birth Place of birth Home Address T Edenhall Road, Musselburgh Postcode EH21 7NR	Your full name Helen Cormack	
Date of birth Place of birth Home Address 7 Edenhall Road, Musselburgh Postcode EH21 7NR		
Home Address 7 Edenhall Road, Musselburgh Postcode EH21 7NR		
Home Address 7 Edenhall Road, Musselburgh Postcode EH21 7NR	Date of birth	
Postcode EH21 7NR	Place of birth	
	Home Address	
Fel, No. Email address	Postcode EH21 7NR	
	Tel. No.	

Please provide your **home address history for the last 5 years** with no gaps or overlaps, starting with the most recent. Please confirm the dates you resided at these properties (continue on a separate sheet if necessary):

Addresses (last 5 years)	Postcode	Date from (mm/yy)	Date to (mm/yy)
7 Edenhall Road, Musselburgh	EH21 7NR	1980	June 2024

Agent(s) & Day to Day Manager(s)

Do you have or intend to appoint an agent or day-to day manager?

Yes 🔲	No	No
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If you answered yes, please provide details for your agent(s) or day to day manager(s).

Trading Name and Nominated Individual

Address	
	Postcode
Date of birth	
Tel. No.	Email address

Addresses (last 5 years)	Postcode	Date from (mm/yy)	Date to (mm/yy)

Joint Ownership

Is your property jointly owned? Yes ves No

Jo Lyes I

If you answered yes, please provide details for all joint owners.

Joint owner(s) (continue on a separate sheet if necessary):

Full name	Date of birth	Addresses (last 5 years)	Email	Tel. No.
James Corma	ck			

Individuals, please go to Part 2.

Corporate entities

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Corporate entities, please complete the relevant sections on the following pages. Fill in if you are applying as a corporate entity (e.g. company, partnership, trust or charity)

Corporate entity name
Limited company number (if applicable)
First name and surname
Registered or principal office address
Tel. No Email address

Names and private addresses and dates and places of birth of its directors, partners or other persons responsible for its management, including trustees in the case of charities (continue on a separate sheet if necessary).

Full name	Personal address	Place of birth	Date of birth
	N/A		

If you do not own the property which is the subject of this licence application, do you have proof of permission from the owner(s):

Yes	No 🗌	N/A 🗌
103		

PART 2: PREMISES DETAILS

Where you have a single premises with multiple accommodation units, please complete the Premises Details Supplementary form.

Premises Address			
	Postcode		
Unique Property Reference Numbe	er (if known)		
EPC Rating*			
* (if applicable – not required for ho	ome sharing or	unconventional accommodatio	on)
Please select the type of premises	5:		
Detached House		Semi-detached house	
Terraced House		Flat	
Unconventional accommodation			

From the following options, please select the description that best describes your short-term let:

Self-catering		E	3&B		
Guest house	Airbnb	(Other form	n of home sharing	
Home letting					
Specify the number of rooms with	hin the	premises	used as:		
Bedrooms		Bed/Sittin	g rooms	Studio flat	
Bathrooms One		Kitchens	one		
Lounges					
Other (please specify)					
Specify the maximum number of (excluding children under 2 years			, infant		5-1-
Specify the number of off-street ca	ar parkir	ng spaces a	available	One	

PART 3: APPLICATION AND LICENCE TYPE

(to be completed by all applicants)

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Please select the application type:	
First application (new operator)	×
New application (where property has been used as licensed STL previously)	
Renewal	
Change to existing licence	

If you are applying to renew or alter your licence, please complete the following fields. If submitting a new application where the property has never been used as a licensed short-term let before, please proceed to '**The Type of Short Term Licence you require'** (below).

Existing licence number				
Existing licence expiry date				
If you are submitting a new application where the property has been used as a licensed short-term let before, please complete the following fields.				
Previous licence number				
Previous licence expiry date				
Please select the type of short-	term let licence you require:			
Home sharing				
Home letting				
Home sharing & home letting				
Secondary letting				

If you are applying for a change to your existing licence, please indicate the reason for your request (e.g. a change of agent, changes to the property – e.g. an extension to increa um occupancy).

PART 5: APPLICATION CHECKLIST

Note – this check list must be fully completed in order to submit your application

I have enclosed the following (please tick to confirm (or enter N/A)	
Correct application fee	See East Lothian Council website – Civic Licence Fees
Annual gas certificate (for premises with a gas supply)	Valid to: 05/06 /25
Electrical Installation Condition Report	Valid to: / /
Portable Appliance Testing Report	Valid to: 21 /05/2025
Fire Risk Assessment	
Fire Service Safety Checklist	\checkmark
Legionella Risk Assessment	\checkmark
Planning permission (for premises within a control area or where requested by the licensing authority)	Planning application reference number: 24/04/00003/P
Floor plan	yes
EPC Certificate (for premises which are dwellinghouses)	Valid to: 27 /05 /2034
Public Liability Insurance	Valid to: 6 /7 /2025
Proof of consent from owner (if applicable)	N/A

I have: (please tick to confirm (or enter N/A)	
Identified the owners and those involved in the day-to-day management of my premises	\checkmark
Ensured that to the best of my knowledge all those named on my application are fit and proper persons	\checkmark
Prepared information that will be available to guests at the premises including: (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	\checkmark
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.	
Applied for planning permission (if required).	~
Noted the requirement to display my licence number and EPC rating on listings for my premises	V
Proof that furniture and furnishings/the furniture and furnishings guests have access to, comply with fire safety regulations	\checkmark
Read and understood the mandatory conditions that will apply to my licence	J
Read and understood the additional conditions that will apply to my licence	\checkmark

My premises (please tick to confirm (or enter N/A)	
Meets current statutory guidance for provision of fire, smoke and heat detection	yes
Meets statutory guidance for carbon monoxide alarms	yes
Meets the required regulations for private water supplies (for premises with a private water supply i.e not provided by Scottish Water)	yes
Meets obligations with regard to the Tolerable and Repairing standard (applicable to dwellinghouses)	yes

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PART 6: DECLARATION

East Lothian Council, as licensing authority, will use information it holds about you to determine whether you are a fit and proper person to operate a short-term let. In addition, licensing authorities to which you apply may share relevant information they hold about you with one another to help those authorities determine whether you are a fit and proper person to act as a landlord, or to act for a landlord. They may also share and seek relevant information with Police Scotland and, if appropriate, other relevant authorities.

Anyone who gives false information on this form, or fails to provide the information required by this form, is committing an offence which could lead to prosecution.

I declare that I have read and understood the mandatory conditions that apply to short-term let licences and East Lothian Council's additional conditions

I will comply with the requirement to display a site notice in accordance with paragraph 2 of Schedule 1 of the Civic Government (Scotland) Act 1982

I declare that the information given in this application is correct to the best of my knowledge

Signed	
Print name Helen Cormack	
Date 7 June 2024	

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Short Term Lets

From:	Millar, Neil
Sent:	03 July 2024 10:38
То:	Short Term Lets
Subject:	RE: Short Term Let Licence Application, 7 Edenhall Road, Musselburgh EH21 7NR

Hi Arlene,

Thank you for your email below with attachment.

I can confirm that retrospective planning permission (Ref: 24/00003/P) was granted for the part change of use of garden building to form short term holiday let with allocated parking at this address (7 Edenhall Road, Musselburgh) on 26th April 2024.

Accordingly, as planning permission has been obtained, I have no further comments to make.

Regards

Neil

From: Short Term Lets <stl@eastlothian.gov.uk>
Sent: Tuesday, July 2, 2024 12:51 PM
To: Environment Reception <environment@eastlothian.gov.uk>
Subject: Short Term Let Licence Application, 7 Edenhall Road, Musselburgh EH21 7NR

Good Afternoon,

Please provide observations/comments regarding the application for a Short Term Let Licence for the above address. All responses should be returned within the 21 day consultation period.

Arlene O'Reilly | Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. *licensing@eastlothian.gov.uk*



O'Reilly, Arlene

From:ParkingSent:31 July 2024 09:06To:Short Term LetsSubject:RE: Short Term Let Licence Application. 7 Edenhall Road, Musselburgh EH21 7NR

Hi, I have no objection to this application.

Kind Regards

Grant Talac The Parking Team East Lothian Council



From: Short Term Lets <stl@eastlothian.gov.uk>
Sent: Wednesday, July 31, 2024 8:43 AM
To: Parking <parking@eastlothian.gov.uk>
Subject: RE: Short Term Let Licence Application. 7 Edenhall Road, Musselburgh EH21 7NR

Hi, sorry its secondary letting.

Thanks Arlene

From: Parking <parking@eastlothian.gov.uk> Sent: Wednesday, July 31, 2024 7:56 AM To: Short Term Lets <stl@eastlothian.gov.uk> Subject: RE: Short Term Let Licence Application. 7 Edenhall Road, Musselburgh EH21 7NR

Hi, No note of sharing or letting?

Kind Regards

Grant Talac The Parking Team East Lothian Council



From: Short Term Lets <stl@eastlothian.gov.uk>
Sent: Tuesday, July 30, 2024 12:21 PM
To: Raselli, Gail <graselli@eastlothian.gov.uk>; Building Standards <buildingstandards@eastlothian.gov.uk>; Parking
<parking@eastlothian.gov.uk>; Lothian and Borders Police
(lothianscotborderslicensingeastmid@scotland.pnn.police.uk)
<lothianscotborderslicensingeastmid@scotland.pnn.police.uk>
Subject: Short Term Let Licence Application. 7 Edenhall Road, Musselburgh EH21 7NR

O'Reilly, Arlene

From:Raselli, GailSent:30 July 2024 14:12To:Short Term LetsSubject:FW: Short Term Let Licence Application. 7 Edenhall Road, Musselburgh EH21 7NRAttachments:APP.pdf

Hi Arlene,

Nothing on the ASB register.

Gail

From: Short Term Lets <stl@eastlothian.gov.uk>
Sent: Tuesday, July 30, 2024 12:21 PM
To: Raselli, Gail <graselli@eastlothian.gov.uk>; Building Standards <buildingstandards@eastlothian.gov.uk>; Parking
<parking@eastlothian.gov.uk>; Lothian and Borders Police
(lothianscotborderslicensingeastmid@scotland.pnn.police.uk)
<lothianscotborderslicensingeastmid@scotland.pnn.police.uk>
Subject: Short Term Let Licence Application. 7 Edenhall Road, Musselburgh EH21 7NR

Good Afternoon,

Please provide observations/comments regarding the application for a Short Term Let Licence for the above address. All responses should be returned within the 21 day consultation period.

Thanks

Arlene O'Reilly | Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. <u>stl@eastlothian.gov.uk</u>



27/08/2024

Your Ref: 7 EDENHALL ROAD Our Ref: 847764

The Clerk of the Licensing Committee East Lothian Council John Muir House Haddington East Lothian EH41 3HA



Gregg Banks Chief Superintendent Divisional Commander The Lothians and Scottish Borders Division Dalkeith Police Station Newbattle Road EH22 3AX

Dear Sir/Madam,

APPLICATION FOR GRANT OF A SHORT TERM LET LICENCE APPLICANT: HELEN CORMACK, **MUSSELBURGH**, EAST LOTHIAN, EH21 7NR.

I refer to the above application for the grant of a short term let licence and make the following representation.

At the end of June 2024 PC Wilson received a telephone call from Mr Fraser McLeod of **Mathematical Research**, Musselburgh, wishing to express his concerns regarding a short term let operating at 7 Edenhall Road, Musselburgh without a license.

On the 31st of July 2024 Mr McLeod sent PC Wilson an email (as attached) detailing his full complaint.

After discussions with the East Lothian Council licensing department PC Wilson was informed that letters were sent to Mr and Mrs Cormack on 08/05/24 and 11/06/24 advising them of the requirement to obtain an STL license. They also confirmed an STL application was received by ELC from Mrs Cormack on 27/06/24.

On the 7th of August 2024 PC Wilson attended at 7 Edenhall Road and spoke with Mr and Mrs Cormack who confirmed they had been accepting guests to their short term let without a licence being in place. They provided the delay in applying for a license was due to some initial confusion on their part regarding the difference between the planning permission required and the separate requirement to licence the activity itself. Mr and Mrs Cormack were able to demonstrate that they

had already stopped taking future bookings having 'blocked out' all future dates on their booking app but confirmed they did have bookings already accepted for the coming month.

On the 8th of August 2024, with the council licensing department in agreement, PC Wilson informed Mr and Mrs Cormack they had 28 days in which they could receive guests with existing bookings, with the clear understanding that any bookings past the 28 days be cancelled. It was also made clear no future bookings should be taken till such time a as license to operate was obtained. Mr and Mrs Cormack were fully cooperative with PC Wilson throughout their interaction and agreed to comply with his instructions.

This representation is brought to your attention when considering this application.

There are no police objections.

Yours faithfully



Gregg Banks Chief Superintendent

For enquiries please contact the Licensing Department.

From: Subject: Date:	Re: Important Please Rea 24/00003P######### 06 May 2024 09:43:11	d ####CONCERNS ABOUT LICENSE APPLICATION ######
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Thank you x

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On Mon, 6 May 2024 at 9:35 am, Steven McLeod <Steven.McLeod@ea.edin.sch.uk> wrote:

App No Applicant	24/00003/P Mr James Cormack	Agent Agent's Address
Proposal	-	e of garden building to form short ith allocated parking
Location	7 Edenhall Road Musse	elburgh EH21 7NR
Case Officer	Scott Robertson	
Telephone	01620 827585	
Council Ward	Musselburgh	
Community Council	Musselburgh & Inv	eresk Community Council
Date Registered	22nd February 202	4
Date by which representations are to be made due to neighbour notification/public advertisement	14th March 2024	

Blair & Fraser McLeod

Dear Licencing Dept

to application no 24/00003/P – further details above as I have the I live following concerns below about a License being granted.

The Structure was originally built in 2012 however planning permission was not sought until 2024 due to the introduction of new Scottish regulations whereby a license is now required to run short term lets. The client was aware planning permission is required as he had a house extension previously built in 2004 and sought this.

Owners must take accountability for building safety but from 2016 onwards he has

been running this as a business without a building warrant & subsequent insurances and we are unaware of whether or not a fire safety check was carried out Scottish Fire and Rescue, potentially putting visitors and neighbours in danger. I am also informed he was also operating throughout the covid period in contravention to the Lockdown Rules which is a criminal offence.

The application also included retrospective planning permission for 2 parking spaces as the front of the property in which he has confirmed will be used by visitors as Edenhall Road has considerable parking issues with it's locality to Pinkie St Peters School. The applicant already has 2 vans & a Motorhome with 2 of them occupying the spaces at all times therefore I do not believe there is adequate on -site parking for visitors.

If the applicant is granted a Licence, he will need to arrange business waste pickups which he hasn't done at previously and is disposing of business waste into his Green Bin. Trade waste pickups in a residential area will put further pressure on local infrastructure.

I also have concerns about the building which is going to be used as a short term let as the applicant has no access to maintain the building from the entire rear or side. The photos that were submitted seeking retrospective planning permission show the side of the building from the garden of Edenhall Road. We gave no permission for anyone to come into our garden to take pictures and there is no other way he could have taken them.

The short term let structure is backed onto another double wooden shed which clearly touch along with unused surplus wood and tarpaulin which has been placed on the roof potentially causing a fire hazard.

I also have concerns that the applicant will leave the property in his motor home when it is rented out therefore the 2 person & 1 child rule wouldn't be enforced. He is the named licensee but if he is not contactable and vacates his own property during visitor stays who is then responsible if there were issues?

I feel that given the fact that the applicant has had over a decade to seek planning permission and knows that there was an impending time limit on licence enforcement this is the only reason he has sought planning permission as noncompliance would mean he couldn't operate his business any more without the correct paperwork.

I feel the applicant has proven himself to be un-trustworthy and has not been held accountable for his in-action. What is the point of having rules/regulations in place if people do not adhere – it does not give out a clear signal to members of the community. To give clarity, I sought advice from the Council to erect my new fence, he has built a structure measuring 10 feet built in width and 6 feet in height in his garden and did not think to contact anyone prior/during or after it was built, what kind of message does that send? I am in doubt as to whether anyone from the Planning Department has actually physically been out to see the structure as I know that up many Officers are still working from home.

I am in support of the new measures being introduced by Scottish Government but feel that he has taken no responsibility for his building and the risks posed and that tells be more about his integrity and character as a person.

Yours Sincerely

Blair & Fraser McLeod

24th June 2024

REF: 24/0003/P – 7 Edenhall Road, Musselburgh, EH21 7NR

Since planning permission was granted on 26th April 2024 Mr Cormack has still not sought a licence for short term let but has had numerous guests staying in his garden building . When he was granted the planning permission it came with mandatory conditions which he should be adhering to but isn't.

The conditions set out in his Council agreement/retrospective planning Doc which we read state various things such as how many people can stay/ it will be solely managed by the applicant owner etc.. however, condition (vi) is the one of most interest. It states that the applicant has confirmed that they have no forward bookings as they are pending the outcome of their short term let licence. As rules state from October 2023 all businesses must cease unless the owner has a licence, but we know factually that they have yet to apply for this and he has been emailed numerous times by the Council to do this but hasn't so far.

I have attached a screenshot of condition (vi) for you to read stating that he had no forward bookings and screenshots of his Air B and B bookings/ link to his site for this year in July and August which you can clearly see are booked out with visitors and what is still available to book. I have also attached a screenshot of his wife and him greeting guests to their property but who actually came to our property first, into our garden as they got the houses muddled !

This then goes back to our original concerns which we emailed you with, in that the owner/occupier is not trustworthy which he clearly isn't as he is running a business without a legal licence and committing a criminal offence which in turn could cost him a fine of up to £2500 if proven.

By law the licence for the short term let should also be displayed to the guests, how can he do this if he hasn't applied for one? There are also concerns with the property having been fire/gas safety checked if guests are staying along with the question does he have buildings insurance and Public Liability Insurance?

Mr Cormack has breached his planning permission condition set out by East Lothian Council and this needs enforced. Please take this as an official complaint and I have also informed Police Scotland who will progressing an official criminal complaint.

Mr B. Mcleod and Mr F. Mcleod

14:53

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2 guests · Studio · 1 bed · 1 bathroom





Studio property perfect for visitors to Edinburgh

Entire guest house in Musselburgh, United Kingdom

 $2\,guests\cdot Studio\cdot 1\,bed\cdot 1\,bathroom$



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Add your travel dates for exact pricing

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August 2024

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Load more dates



From: Fraser Mcleod
Sent: Thursday, August 1, 2024 9:50 AM
To: Licensing licensing@eastlothian.gov.uk>
Cc: Julie Mcleod; Blair Mcleod
Subject: Official Objection of License- 7 Edenhall Road, Musselburgh

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

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Good morning,

Please see my below complaint / objection to short term let application licence in relation to <u>7</u> <u>Edenhall Road</u>, Musselburgh

MR James Cormack (owner of <u>7 Edenhall Road</u>) submitted a planning permission application on 3rd January 2024 to East Lothian council in relation to application number <u>24/00003</u>/P - Part change of use of garden building to form short term holiday let with allocated parking (Retrospective)

On MR Cormacks application it states the following -

"Change of use in RETROSPECT of use of workshop/storage facility to Granny flat, extending same to incorporate walk in shower with toilet and hand basin. Further extend both sides with brick to secure storage space with single PVC doors, Kitchen with gas hob. Combi gas boiler for hot water and heating. Change existing doors to 1x single PVC and 1x double door to French doors. Insulation of walls/floor ceiling with kingspan 25mm and insulated plasterboard All work and change of use done same time"



It has taken Mr Cormack around 13 years to apply to East Lothian Council for planning permission "retrospectively" on this structure. Mr Cormack built this structure with no planning permission or a building warrant. MR Cormack is aware of how planning permission works as he has previously applied for an extension to his house on 23rd November 2004 (application <u>04/01367</u>/FUL). This previous application was not done retrospectively and confirms that MR Cormack is aware of the procedures in place. Planning authorities, having found out about MR Cormacks application on 3rd January 2024 have not done anything to enforce this "retrospective" application.

On Mr Cormack's application it also states the first AIRBNB guests arrived May 2016. Mr Cormack was operating a fully operational, taxable business in a facility that had not been approved by East Lothian Council. MR Cormack has openly admitted he was running this as a business without a building warrant & subsequent insurances and we are unaware of whether or not a fire safety check was carried out by Scottish Fire and Rescue, potentially putting visitors and neighbours in danger. I am also informed he was also operating throughout the covid period in contravention to the

Lockdown Rules which is a criminal offence. This has also gone without action following MR Cormack's application where it states he was operating during this time.

Furthering this point since my ownership of Musselburgh, I am yet to see business waste pickup. MR Cormack confirmed on his application to East Lothian council that he is using the "existing recycling bins". This is not only putting strain on the local amenities but is also a criminal offence to put business wastage into council bins. East Lothian council have ignored this, not taken action or reported it to the police which is fundamentally wrong. During this period between May 2016 and September 2023 as MR Cormack has not had a business licence. AIRBNB is a taxable income and due to MR Cormack not declaring the building being there, not having a licence and and not paying for business waste pickup it is more than probable he has not paid any tax during this period. It would be interesting to see if MR Cormack is able to declare his business tax paid during this period as I understand this is also another criminal offence if he has not been paying tax.

The application also included retrospective planning permission for 2 parking spaces as the front of the property in which he has confirmed will be used by visitors as Edenhall Road has considerable parking issues with its locality to Pinkie St Peters School. The applicant already has 2 vans & a MotorHome with 2 of them occupying the spaces at all times therefore I do not believe there is adequate on -site parking for visitors. I have concerns that the applicant will leave the property in his motor home when it is rented out therefore the 2 person & 1 child rule wouldn't be enforced. He is the named licensee but if he is not contactable and vacates his own property during visitor stays who is then responsible if there were issues?

I also have concerns about the building itself as the applicant has no access to maintain the building from the entire rear or right side. The photos that were submitted seeking retrospective planning permission show the side of the building from the garden of **Sector Sector**. We gave no permission to MR Cormack or his wife to come into our garden to take pictures and there is no other way he could have taken them. Furthering this on numerous occasions I have had AIRBNB guests looking for MR Cormacks AIRBNB come into my back garden intruding on my privacy and personal life. As you can imagine this is extremely frustrating given it is a residential estate.

The short term let structure is backed onto another double wooden shed which clearly touches each other along with unused surplus wood and tarpaulin which has been placed on the roof which is a clear fire hazard. The short term let structure is also surrounded by a timber fence which has been in place for a long time. Given MR Cormack has been operating this business since 2016 and East Lothian council not being aware this is extremely irresponsible and proves his untrustworthiness and utter disregard of his guests and neighbours safety.

I feel that given the fact that the applicant has had over a decade to seek planning permission and knows that there was an impending time limit on licence enforcement due to AIRBNB change of legislation as of <u>October 1st 2024</u>, this is the only reason he has sought planning permission as non compliance would mean he couldn't operate his business any more without the correct paperwork. Having this new legislation not come to light I strongly suggest MR Cormack would still not have sought for planning permission.

Myself and another neighbour <u>put in</u> letters of concern which were completely ignored by East Lothian council. All of our concerns were disregarded and his application was approved with no consequences / accountability for the above issues.

I feel the applicant has proven himself to be un-trustworthy and has not been held accountable for his actions. What is the point of having rules/regulations in place if he does not adhere to them. It does not give out a clear signal to members of the community. To give clarity, I sought advice from the Council to erect my new fence. He has built a structure measuring approx 20 feet in width and 7 feet height, bathroom facility, plumbing, electricals and wiring in his garden and did not think to contact anyone prior/during or after it was built. What kind of message does that send?

I am in support of the new measures being introduced by the Scottish Government but feel that he has taken no responsibility for his building and the risks posed and that tells me more about his integrity and character as a person.

Since MR Cormacks planning permission was granted on 26th April 2024 Mr Cormack had still not sought a licence for short term let but has had numerous guests staying in his garden building. I contacted East Lothian council querying the status of his licence and if he was able to operate. East Lothian licensing department confirmed that MR Cormack did not have a licence to operate and had not applied for one. East Lothian council also confirmed that they had sent numerous emails / letters prompting MR Cormack to apply for his licence however these were ignored and East Lothian council received no replies. The conditions set out in his Council agreement/retrospective planning Doc which we read state various things such as how many people can stay/ it will be solely managed by the applicant owner etc. However, condition (vi) is the one of most interest. It states that the applicant has confirmed that they have no forward bookings as they are pending the outcome of their short term let licence. As the new legislation from October 2023 states all businesses must cease trading unless the owner has a licence, but we know factually that MR Cormack had not applied. I have attached a screenshot of condition (vi) for you to read stating that he had no forward bookings and screenshots of his Air B and B bookings/ link to his site for this year in July and August which you can clearly see are booked out with visitors and what is still available to book. I have also attached a screenshots of his wife and him greeting guests to their property but who actually came to our property first, into our garden as they got the houses muddled. All of which are visitors staying within Mr & Mrs Cormacks Airb&b when they do not have a licence to operate. At the time of submitting this email MR Cormack has still not got a licence to operate but you can clearly see he is in breach of the new legislation which is another criminal offence. I have also attached more pictures of other guests within the facility which were taken this week. You can clearly see MR Cormack is continually failing to comply with conditions set out by both East Lothian council planning department, East Lothian licensing department and the LAW.

By law the licence for the short term let should also be displayed to the guests, how can he do this if he hasn't applied for one? There are also concerns with the property having been fire/gas safety checked if guests are staying along with the question does he have buildings insurance and Public Liability Insurance?

I have been in touch with both the East Lothian Council planning and Licencing department having sent numerous emails and made numerous calls. East Lothian council have confirmed all the above concerns are now out of their control and is a criminal matter. A formal complaint to police has been made.

You can clearly see MR Cormack and his wife are untrustworthy and fundamentally what they are getting away with is wrong and he should be held accountable. MR & Mrs Cormack have broken numerous laws and action needs to be taken. I think it is pretty clear MR or Mrs Cormack should not

have the licence approved by East Lothian council Licencing and should cease operating. I feel as though I am going around in circles and nobody seems to be taking my concerns seriously.

Please also see attached photographs of guests staying on Wednesday 31st August 2024 until Thursday 1st August 2024 (no licence). You can clearly see MR Cormack has lied on his application again regarding parking. There is a foreign vehicle, foreign licence plate parked on the street whilst Mr & MRs Cormack's "allocated parking" is full with their own vehicles. This creates more strain on an already congested, busy street.

I personally work shift work and with the constant flow of guests in an out of Mr & Mrs Cormacks property I am finding it extremely difficult to get consistent sleep. For example on this 1st August 2024 (this morning) I was awoke by MR & Mrs Cormack saying goodbye to guests that had stayed the night given my bedroom window is only meters away. This is extremely frustrating as my sleeping pattern is affected. If Mr & Mrs Cormack were following the law they would not be operating at this time and this would not be a problem. Once again it goes back to the fact that this is within a residential area, back garden in particular and is fundamentally wrong. It is impacting my personal life and work.

I am now aware MR Cormack has applied for a short term licence as of 25th July 2024. I was made aware by a friend that MR Cormack has put up notice of his application on his wall. This is not visible to my side of the property and I most likely would not have noticed it having not been made aware by a friend. East Lothian council state this notice of application must be in clear display so this is another clear instance of rules not being followed / adhered too as I cannot understand why it's not in public view on both directions of the footpath. Apart from Mr & Mrs Cormack not wanting anyone to comment / object the licence application there is even public tree just outside of MR & Mrs Cormacks property which would have been a much more visible area for this notice, covering both directions of travel. I am aware there would be a licensing / committee meeting that would take place prior to this application being granted providing an objection is received. Myself and my brother would like to be present during this meeting. This has gone on for too long now and I want to raise my objections in person.

Please can you reply to my email confirming my objection has been received.

Kind regards,

Fraser McLeod / Blair McLeod









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house. The unit of short term let has been formed within the central part of the garder with the remainder of it being used for storage by the applicant. The short term let accommodation comprises a bedroom/sitting room with kitchenette and shower roon accessed via the front garden of the house, along the path that runs to the side of the into the rear garden.

With regards to the use of part of the domestic garden ground of 7 Edenhall Road ar existing domestic garden building as a unit of short-term self-catering holiday let accommodation the applicant has confirmed (i) the short term holiday let has been o since May 2016; (ii) the average length of stay is between 2 to 5 nights; (iii) the accommodation can accommodate up to 2 people and a child under the age of 1; (iv, check in/out are managed by the applicant/owner- with a self-check in system being the accommodation is heavily booked between March and April with the winter mon having the occasional guest; (vi) the applicant has confirmed they have no forward be this year as they are pending the outcome of their short term let licence; (vii) the accommodation is typically let to couples or individuals; (viii) the accommodation is through airbnb; (ix) the applicant notes that guests spend money in local shops and e with a number of users attending Musselburgh Racecourse events; and (x) the accommodation within the applicant/owners existing drive

DEVELOPMENT PLAN

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the a be determined in accordance with the development plan, unless material consideratiindicate otherwise.

The development plan is the adopted National Planning Framework 4 (NPF4) and th East Lothian Local Development Plan 2018.

Policy 30 (Tourism) of NPF4 is relevant to the determination of this application. Po RCA1 (Residential Character and Amenity), T1 (Development Location and Access and T2 (General Transport Impact) of the adopted East Lothian Local Development are relevant to the determination of this application.

REPRESENTATION

One written letter of representation has been received in relation to the application is objects to it. The main grounds of objection can be summarised as follows



(i) If planning permission were to be granted in this instance what would be the b

Complaint from list by complainants: First of all, I would like to correct them on a few factual points. The building has been built for 30+ years, constructed to the regulations at time and advised by Council officer that no permission was needed.

1

Airbnb was closed from 30 September 2023 until planning permission was received. The policeman who visited in respect to the complaint by the neighbours was given an explanation and this reason was accepted by the Policeman. (After discussion with his superiors and the council)

Airbnb was closed prior to his visit anyway as we received a letter a few days after opening up the calendar and we realised our mistake that the license was a separate application. We closed it down immediately.

Having gone through the complainants letter it is patently clear they have assumed and written a lot of things about my wife and I, all of which are untrue. These people who have only recently moved into the house next door full time (up until then we've lived amicably next door to only 2 sets of neighbours, on each side for 35 and 40 years respectively with not one incident ever, however, these people have very negative thoughts about us, me in particular, also questioning the actual procedures of the Planning Department and the Council.

The letter is a character assassination and should be disregarded as a fairytale. They have written as many things as they can that they think will assist them with their objection without first finding out the facts.

The only 2 items that may be relevant to this objection is that 2 guests accidently entered their garden (if this is true) looking for the flat. We apologise if this did happen. The instructions on Airbnb are very clear but some guests from abroad may not have the best grasp of the language, this can be remedied quite easily with better signage.

My wife has been running the Airbnb for 8+ years with not one incident of any kind. There has been no noise, no parking issues, no trouble or drunkenness, not one.

the previous owners of the complainant's house and **second and the second** at the other side (or the owners of the property to the rear) have ever mentioned that anyone has entered their property.

Regarding the comment about the complainant not being able to sleep when on nightshift is ridiculous. Any conversations we have had with quests have been in the normal course of our daily life, not at 2/3 or 6am but during the day and could be with anyone as we have family i.e. children, grandchildren, their pets, and friends visiting all the time and they almost all, without exception come to the back conservatory door and leave that way too. We cannot be expected to tiptoe and whisper/change our lives

because he is on shift work. I believe it is a 3-bedroom house so he has the option to move to another quieter room away from our side of the house and road.

Nos. 9,11 and 13 are part of a terrace and access must be given to neighbours for wheelie bins to be taken out for uplift, our bedroom is on the same side so we have the same daily noise of people, rubbish being put in bins, bottles being dropped into the recycling, bins beings taken out under their bedroom window etc. This is something we have to appreciate and accept happens.

Edenhall is opposite a primary school and is busy and noisy at school drop off and pickup times only with a steady volume of traffic during the day, there is probably more noise at these time with children talking/laughing/shouting and playing on their way home.

Parking in my driveway can accommodate 3 vehicles comfortably. Extra parking can be accessed on Edenhall Road from the junction of Champigny Court to the top of Edenhall Road which is always clear.



4

7 EDENShall Romo Munielburgh

IMPACT STATEMENT (Helen Cormack)

I'd like to address the issues made by the complainants making blatantly untrue statements.

The points below and other points, irrelevant to this meeting were covered in the planning application which was passed.

Firstly, their statements around when the flat was built and that we never sought or obtained planning permission is a fabrication, they are implying the flat was built covertly, under cover and we tried to hide it – nonsense.

To say we had no building insurance, or did no fire safety checks, is also wrong (my husband now retired ran his own business for 35 years with my son "Domestic Gas Services", a highly rated company - so I think I know the importance of safety be it gas, electricity or fire) also, their assumption that I don't pay tax or insurance – is totally untrue and offensive, a complete character assassination. This is a wholly personal attack for which there is no basis.

That I was operating during covid is ludicrous, I followed lockdown restrictions the same as everyone else and only opened again when travel restrictions were lifted even then we followed social distancing and the use of masks until such times as these restrictions were lifted too. I'm afraid their information source is also misinformed.

Regarding business waste pick up. I am lucky to get a small swing bin of rubbish from the flat, perhaps a couple of pizza boxes and a couple of wine bottles/cans of beer and a few eggshells and bits of toast in the food waste. Guests are visiting the town/city, they perhaps eat breakfast in the flat, then eat out, they are here for a couple/3 days to see the city and surrounding area, they certainly don't spend time cooking/leave bins full of waste that would warrant a separate business waste pick up.

My guests can contact me at all times by Airbnb messages or by phone and have done so at times. We also are able to see what is going on in the backyard and at the front of the house via the CCTV (we can also talk to them through the CCTV). I have designated family and friends who are willing to step in if needed.

All the points raised are nonsense, but nonetheless have given me a lot of unnecessary stress and worry due to the personal attacks against myself and my husband. Both of

us, my husband and myself are quiet and keep ourselves to ourselves, we go about our daily business and mind our own business, in all the years we have lived on the street (42ish years) I have never been in any of my neighbours' houses on either side and know nothing of their personal lives, we say hello and have a short chat in the passing.

I worked with East Lothian Council for over 20 years in the C&F Department before I retired and I believe I was a valued member of staff due to my trustworthiness/loyalty and honesty. (I won the Council Star Award for Customer Excellence (Admin) in 2010 and was nominated twice more, in 2015 and 2016 as part of the C&F Team).

It is upsetting that the complainants have being taking photographs of people visiting me at my house, I am sure this is, if not illegal, wrong and a bit disturbing that they feel they need to spy on us.

Parking is not a problem, there is plenty of on street parking the only time it is busy is at drop off and pick times (about 45mins in the morning and 45mins at pick up as people want to park as close as possible to the school and I usually advise guests arriving with a car of this (morning drop off isn't really a problem as check in time is after 11am). The majority of my guests arrive by bus (mostly from abroad and use the local bus service to get around, they love how close the bus stop is). Some people from the UK arrive by car but some also travel by train and bus.

I have been doing the Airbnb for 8+ years and enjoy it immensely, I meet all sorts of different people travelling from all corners of the world and they all review the flat positively, (I enclose some recent reviews from before September 2023). And what guests like the most is the closeness to the bus stop, making for easy travel. They also like that the flat is self-contained with a separate entrance and guests often remark about how quiet and cosy it is. Guests can have a conversation with us if they want, if not this is fine too. Some guests just like to give us a wave on their way past.

Airbnb for me is not all about the money, I do it as I have said because I enjoy it, especially since I have retired, I go the extra mile for my guests to ensure they enjoy their visit and take great pleasure in their positive reviews. Most of my guests only visit once as they are just passing through on a (sometimes) once in a lifetime trip. I have only a couple of guests who return, as they are visiting family who live nearby. They have actually become friends.

I hope the license will be granted as I do enjoy doing the Airbnb and know that my guests enjoy the accommodation but will await your decision.

Encl: Reviews

Character references

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(No subject)

From:	Helen Cormack
To:	k
Date:	Monday 28 October 2024 at 13:44 GMT

From: **Scott Rintoul** Date: Sat, 26 Oct 2024, 19:06 Subject: Re:

To whom it may concern.

I have worked with and known Helen Cormack for 18 years. In addition, her husband, James Cormack has carried out a number of jobs in our home, in his capacity as a gas engineer.

Helen and I worked together in East Lothian Council's Children and Families Department. Helen was always professional and courteous in dealing with professionals and clients alike. This was often in very difficult and stressful situations. Helen was always calm and respectful. She is very much a team player. The Duty Team dealt primarily with child protection and this was often a challenging work environment. Helen was a great support to all of us in the team and greatly missed when she retired.

Her kindness and consideration towards everyone she worked with was evident throughout the time I have known her.

James has been extremely professional in the work he has carried out for us. We have always left James a key to our property and reassured that he is completely trustworthy.

It is concerning that allegations have been directed towards Helen and James and I am aware how upsetting and stressful this has been for them. Helen and James are well respected within the local community and have been for many years.

It is unfortunate they have been targeted in such a manner and I hope there is a resolution to this this distressing situation.

If you require any further information, please do not hesitate to contact me.

Scott Rintoul Parenting and Family Support Coordinator/Senior Social Work Practitioner 01875 824309 srintoul1@eastlothian.gov.uk

Ronald McCardle



27/10/2024

Dear Sir/Madam,

I am writing this regarding the planning issue my neighbours Mr and Mrs Cormack of 7 Edenhall Road have regarding their small air bnb unit at the rear of their house.

I have lived next door to them for 36 years since moving into number with my parents in 1988.

Over those 36 years they have been pretty much perfect neighbours. We're not friends as in people who would socialise together but we chat whenever we pass each other and on the rare occasion there's been anything to discuss regarding our properties, ie drains, fences, then it's always been perfectly amicable and we've never exchanged a cross word in those 36 years. And on a number of occasions when I've had issues with my heating he's always been happy to pop in and help out. The kind of neighbours anyone would be delighted to have.

Regarding the issue in hand I was stunned to hear not only that there were objections regarding his planning issue but especially to hear the reasons for such objections. Regarding mentions of noise I have never heard a sound from the air bnb unit in all the years it's been used as such. Not once. And as someone living in a semi detached house joined to their house I think if there was any noise we'd hear it. In fact in all the years they've had it I have saw 2 couples who used it. On both occasions it was aprox. 11 pm at night and I only saw them because I was walking my dog and their car pulled up. One asked if this was the right house and I pointed out the entrance. Other than that I've never seen anyone using it so suggestions of streams of people going in and out are far off the mark.

Another issue mentioned was parking but the only time parking is an issue around here is early morning and mid afternoon because of the number of people dropping kids off then picking them up at the school opposite the bottom of our street. So any suggestion of parking problems is exaggerated. My son never has any problems parking within yards of our home. And the thought that an extra motor parked by someone staying at the air bnb for a night or two would make any difference to the surrounding neighbours is pretty far fetched.

Yours sincerely

Mr Mrs D Danachie



27.10.24. Dear Sir/Madam I am writing this letter to you to say how upset that my friends and neighbours James and Helen Cormack are having to Prove that they are an horsest hard working couple. MY husband and I have know James and Helenfor forty years We have never heard any hoise or disturbances from their property. our old neighbours lived next door to Minis Corndek In all the forty years did they ever complain to us. I Rhow this might seem have to

belive, Poeple/Friends for Such a long time, but what I say is the truth. Sames and Helen Cornack are the best.



Sylvain 8 years on Airbhb

***** July 2023 very pleasant stay at Helen's who was helpful Translated from French <u>Show original</u>



Biliy 1 year on Airbnb

***** July 2023

My stay at Helens lovely little pad was amazing! It was my first experience with Airbnb and was nervous at first but Helen was extremely welcoming and assisted with any queries! The home was packed with all the utilities you would need and the fridge was stocked with breakfast and beverages! bathroom and living area were immaculate, and the kitchen was squeaky clean. I will most definitely return! thank you Helen!



Gintas 10 years on Airbab

***** · July 2023

Great location for Edinburgh and various little towns along the sea side driving on A198. The place is quiet and has everything that is required for a stay...including Helen's breakfasti



Aline Zürich, Switzerland

***** · July 2023

We had a lovely stay at Helens Studio. There was everything we needed and more. Helen even filled the fridge with some breakfast essentials.



Zoltán 6 years on Airbnb

***** July 2023 Helen's place is perfect for a holiday in Edinburgh. You can go to the city center with a bus(26,44, there's even a night bus), and there is a grocery shop 5 minute walks away. The place is even better than in the pictures and it's fully equipped. Helen was very helpful from the beginning, everything was clear, we were able to check in earlier and the fridge was stacked with breakfast ingredients!



Jayne 5 years on Airbnb

★★★★★ · July 2023 Great place to stay. Exactly what we needed for visiting The Races and Edinburgh. Accommodation was lovely and vey peaceful. Like a minature home from home with everything we needed.



Karen 7 years on Airbab

Comfortable stay. Easy access to Edinburgh on public transport.



Martin 9 years on Airbnb

***** · June 2023

***** · July 2023

Helen's place was ideal for our short visit to Edinburgh. It is a quiet location nestled behind the house, only 1 minute walk to the Bus stop and 3 minutes walk to the local well stocked shop. Whilst we mainly went into Edinburgh using the great local bus service, we also explored some parts of Musselburgh and enjoyed some nice local restaurants and cafes. It is a short walk into Musselburgh itself and ideally located for visiting the Musselburgh Lagoons Nature reserve. The accomodation was very clean, with great facilities for with a very comfortable sofa bed. Helen herself was lovely communicative and considerate host. Would be more than happy to stay again.



Alexander 8 years on Airbnb

★★★★ → June 2023

Lovely place with a great host, suitable for our needs and well provisioned with food and things we needed. Would stay again if in the area.



Katie 6 years on Airbnb

★★★★★ · June 2023

Lovely place to stay - this is a small room but has everything you need. The bed is a pull out couch and is quite comfortable and good size and can be very easily put away during the day for more space. Helen was so kind and welcoming and had bacon and eggs in the fridge for us for breakfast. As it clearly states in the listing it is beside their house and looks into the living **room** but they are very respectful of privacy and there are blinds to use if you wish. There is a bus stop very close to the house which takes you straight into Edinburgh- this ca take around 30 to 40 minutes with the stops along the way but is very frequent. Having a washing machine is a huge bonus too! The kitchen is well stocked for cooking. Great stay and would recommend!



Paige

7 years on Airbnb

★★★★★ - June 2023

Beautiful little granny flat behind the main house. Great shower pressure and hot water. Helen even left some food stuffs for us in the fridge and cupboards which was amazing!



Devlin Toronto, Canada

**** · September 2023

Helen was very accommodating for me with my arrival time. I was greeted by her husband who showed me into the unit. Upon entry, I was stunned. The small private unit came with a very comfortable pull-out couch, lots of options for shampoo and conditioners in the shower. To top it off, the fridge was stocked with bread, eggs, bacon, jam, milk and juice for my stay! There is also an ensuite washing machine if needed. I would HIGHLY recommend a stay here!



Michael 2 years on Airbnb

***** - August 2023 Great stay, very easy and comfortable



Pamela Lima, Peru

***** • August 2023 Had an amazing stay, Helen left everything clean and ready for us!



Magda 9 years on Airbnb

***** · August 2023

A little studio exactly as described by Helen. For our 3 nights stay it was just perfect. We appreciated the provided breakfast items, a lovely supermarket within a few mins of walk, buses to Edinburgh just around the corner. Thank you ③.



Sharon

7 years on Airbnb

***** · August 2023

Helens place is just great, really good value for money, spotlessly clean, stocked with food basics and all round just a lovely stay with a kind and respectful host. I highly recommend this place.



Fiona

6 years on Airbnb

***** · July 2023

Lovely little studio, very clean and in perfect location to access Edinburgh centre, bus stop just round the corner. Lovely touch with the breakfast items supplied. Highly recommend

About this space

Self contained studio property based in the outskirts of Edinburgh. Please note the flat does not have a separate bedroom . Walking distance from Musselburgh Racecourse, train station and local amenities with frequent buses to central Edinburgh and nearby Portobello. Visitors also have access to a small patio and garden as well as on street parking.

Please note flat is only a few feet away from my house, in the garden, - if total seclusion is what you are after this space may not be for you.

The space

Small studio flat, with sofa bed in quiet street big enough for a couple / couple with a young baby. Fully equipped. When you reach no. 7 you will need to go through the green door/gate into the back garden, keep walking, past the shed on the right and conservatory on the left, the flat is facing you. On the wall to the right of the single door is the keysafe, this key opens the single door, you can open the patio doors from inside.

Guest access

Guests are welcome to access the back garden if they wish - table and chairs from the flat may be taken out to the patio and you may sit outside.

Other things to note

The flat is a studio flat and has a generous double sofa bed. The flat is close to the house but is self contained and private. The sofa is a pull up double bed. There is a tab on the front of the sofa, just pull this up and towards you gently. There is a sheet and mattress protector above on a shelf and a mattress topper in the wardrobe. Due to covid I would highly recommend you use both the sheet and mattress protector.

The Licensing Board East Lothian Council

27 October 2024

To Whom it may concern,

My wife and I would like to inform the Licensing Board regarding the character of James and Helen Cormack. We have known James and Helen for 45 years and can vouch for their good character. We hold a key to their bedsit flat in case of emergencies when they are away from home.

They have helped us and other neighbours when needed and we have no hesitation in vouching for them.





Licensing

From:	Slight, Lynn
Sent:	29 November 2024 16:19
То:	Licensing
Subject:	Fw: Sheila sent a message

Sheila's mailbox is full so I have resent. I'm out on site finishing shortly Lynn

Sent from Outlook for iOS

From: Slight, Lynn <lslight@eastlothian.gov.uk>
Sent: Friday, November 29, 2024 4:15 PM
To: Fitzpatrick, Sheila in Teams <noreply@emeaemail.teams.microsoft.com>
Subject: Re: Sheila sent a message

Hi Sheila,

Meeting went well with 3 Cllrs in attendance. I advised no objection from EH or ASB and Planning had approved the structure. The Cllrs appeared to be quite content with what they observed and they advised the applicant that it would be on Januarys License Committee Meeting for discussion. I see no grounds for refusing but obviously that's just my opinion.

Have a good weekend Lynn

Sent from Outlook for iOS

From: Fitzpatrick, Sheila in Teams <noreply@emeaemail.teams.microsoft.com>
Sent: Friday, November 29, 2024 3:06:30 PM
To: Slight, Lynn <lslight@eastlothian.gov.uk>
Subject: Sheila sent a message

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

You don't often get email from noreply@emeaemail.teams.microsoft.com. Learn why this is important

Hi,

Your team-mates are trying to reach you in Microsoft Teams.

SF

Sheila sent a message in chat

Afternoon Lynn, could you give me a call re the STL site visit this morning?

Reply in Teams