

Agenda item	6.2
Report no	HLC/055/23

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 1 August 2023

Report title: Application for the grant of a short term let licence – 31 Castle Heather Avenue, Inverness, IV2 4DS (Ward - 15)

Report by: The Principal Solicitor – Regulatory Services

1.	Purpose/Executive Summary
1.1	This report relates to an application for the grant of a short term let licence.
2.	Recommendation
2.1	Members are asked to determine the application in accordance with the Council's hearings procedure.

3.	Background
3.1	In terms of The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, a licence is required for residential accommodation for use as a short term let.
3.2	<p>Short term let means the use of residential accommodation provided by a host in the course of business to a guest, where all of the following criteria are met:</p> <ul style="list-style-type: none"> • The guest does not use the accommodation as their only or principal home • The short term let is entered into for commercial consideration • The guest is not: <ol style="list-style-type: none"> 1. An immediate family member of the host 2. Sharing the accommodation with the host for the principal purpose of advancing the guest's education as part of an arrangement made or approved by a school, college, or further or higher educational institution, or 3. an owner or part-owner of the accommodation • the accommodation is not provided for the principal purpose of facilitating the provision of work or services by the guest to the host or to another member of the host's household • the accommodation is not excluded accommodation, and • the short-term let does not constitute an excluded tenancy
4.	Application
4.1	On 13 December 2022 (date application was deemed valid) an application for the grant of a short term let licence was received from Norman G. Cordiner and Emma Watt.
4.2	The Premises to which the application relates to is 31 Castle Heather Avenue, Inverness, IV2 4DS ("the Premises").
4.3	The host/operator has applied for the short term let licence as an 'existing host' on the basis that the host/operator was operating the Premises as a short term let property prior to 1 October 2022.
4.4	The type of short term let which has been applied for is a 'secondary let'. A 'secondary let' involves the letting of a property where the applicant does not normally live.
4.5	The Premises is described as a semi-detached dwellinghouse which can accommodate a maximum of four guests. The Premises comprises of 2 bedrooms, a kitchen, living room and a bathroom.
5.	Process
5.1	<p>The application was circulated to the following Agencies/Services for consultation:</p> <ul style="list-style-type: none"> • Police Scotland; • Highland Council Environmental Health Service;
5.2	Both of the above Agencies/Services, have confirmed that they have no objections to the licence being issued.

5.3	The Scottish Fire & Rescue Service was not further consulted on the application as the fire safety checklist, which was completed by the applicant, pertaining to the application was deemed satisfactory.
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5.4	In addition, the applicant has provided a certificate of compliance confirming that a public notice of application for their short term let licence was displayed at or near the Premises for a period of 21 days.
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6.	Late Objection
6.1	It is open to any member of the public to submit an objection or representation in relation to an application for a licence for a short term let.
6.2	An objection was received on 16 January 2023 from Jess Barbier-Marsden, however this was received after the 28 day period for objections had elapsed and therefore it cannot automatically be considered by the Committee.
6.3	At the meeting the objector will be invited to address the Members as to the reason why the objection was submitted after the required timescale. The applicant will be invited to address the Committee on the same and thereafter Members will require to determine whether there were sufficient reasons for the late objection and whether it should be heard.
6.4	If the Committee are minded to accept the late objection a copy will be circulated at the meeting. If not, the application will be determined in its absence.

7.	Determining issues
7.1	<p>Paragraph 5(3) of Schedule 1 of the Civic Government (Scotland) Act 1982 states that a licensing authority may refuse an application to grant or renew a licence where:</p> <ul style="list-style-type: none"> (a) the applicant or anyone else detailed on the application is not a fit and proper person; (b) the activity would be carried out by a person other than the applicant who, if he had made the application himself, would have been refused; (c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to <ul style="list-style-type: none"> (i) the location, character or condition of premises or the character or condition of the vehicle or vessel, (ii) the nature and extent of the proposed activity, (iii) the kind of persons likely to be in the premises, vehicle or vessel, (iv) the possibility of undue public nuisance, or (v) public order or public safety; or (d) there is other good reason for refusing the application. <p>If required the Principal Solicitor – Regulatory Services will offer particular advice on the criteria relating to this particular application.</p>

7.2	<p>A copy of this report has been sent to the applicant and the objector who, in the terms of paragraph 4(2) of the Civic Government (Scotland) Act 1982, have been invited to attend and will be provided with an opportunity to be heard by the Committee.</p> <p>Both parties have also been advised of the procedure which will be followed at the meeting which may also be viewed via the following link:</p> <p>Licensing hearings procedures Licensing hearings procedure (Licensing Committee) (highland.gov.uk)</p>
8.	<p>Policies</p> <p>The following policy is relevant to this application:</p> <ul style="list-style-type: none"> • Short-term let licensing policy statement (which includes the mandatory and additional licence conditions attached to all Short Term Let Licences):- <p>A copy of this policy can accessed here or a hard copy can be supplied where requested.</p>
9.	<p>Implications</p>
9.1	<p>Not applicable.</p>
<p>Date: 11 July 2023</p> <p>Author: Julie Traynor</p> <p>Reference: FS469123467</p> <p>Background Papers:</p> <ul style="list-style-type: none"> • Civic Government (Scotland) Act 1982 • The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 <p>Appendix: None attached.</p>	