

Agenda item	6.3
Report no	HLC/056/23

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 1 August 2023

Report title: Application for the grant of a short term let licence – 5 West Heather Road, Inverness, IV2 4WS (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 22 November 2022 (date application was deemed valid) an application for the grant of a short term let licence was received from Kingston Inverness Limited (Company number SC549688) and having their registered office at 15 Drummond Road, Inverness, Scotland, IV2 4NB.
4.2	The Premises to which the application relates to is 5 West Heather Road, Inverness, IV2 4WS (“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 detached dwellinghouse which can accommodate a maximum of ten guests. On the ground floor, the Premises comprise of 1 bedroom, a cloakroom toilet, living room, kitchen, open plan living/dining area and a utility room. On the first floor, the Premises comprise of 1 ensuite bedroom, 3 bedrooms and a bathroom.

5.	Process
5.1	The application was circulated to the following Agencies/Services for consultation: <ul style="list-style-type: none"> • Police Scotland; • Highland Council Environmental Health Service; • Highland Council Building Standards and • Scottish Fire & Rescue Service.
5.2	All of the above Agencies/Services, have confirmed that they have no objections to the licence being issued.

5.3	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.	Public representation
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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. Following the notice of display period, the following timeous representations were received and are attached as Appendices 1 and 2 to this report: <ul style="list-style-type: none"> • Letter of representation received on 20 December 2022 from Angus and Sarah Young (Appendix 1). • Letter of representation received on 20 December 2022 from Robert William and Ann Dunnett Cormack (Appendix 2).
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7.	Determining issues
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7.1	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: <ol style="list-style-type: none"> the applicant or anyone else detailed on the application is not a fit and proper person; 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; 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 <ol style="list-style-type: none"> the location, character or condition of premises or the character or condition of the vehicle or vessel, the nature and extent of the proposed activity, the kind of persons likely to be in the premises, vehicle or vessel, the possibility of undue public nuisance, or public order or public safety; or
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	<p>(d) there is other good reason for refusing the application.</p> <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 above individuals 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>All 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: FS466325763</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 1: Letter of representation received on 20 December 2023 from Angus and Sarah Young.</p> <p>Appendix 2: Letter of representation received on 20 December 2023 from Robert William and Ann Dunnett Cormack.</p>	

[REDACTED]

From: Angus Young <[REDACTED]>
Sent: 20 December 2022 17:09
To: STL Licensing
Subject: Application for Short Term Lets License 5 West Heather Road Inverness IV2 4WS
Attachments: Short Term Lets Application 5 West Heather Road Inverness IV2 4WS Representations.pdf

Follow Up Flag: Follow up
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Categories: [REDACTED]

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Please find attached comments relating to the above short term lets application.

Regards
Angus Young

Angus & Sarah Young
[REDACTED]
[REDACTED]
[REDACTED]

The Highland Council
Town House
Inverness
IV1 1JJ

Dear Sirs

Application for Short Term Lets License 5 West Heather Road Inverness IV2 4WS

We wish to make the following comments in relation to the above application for short term lets license.

Since the sale of 5 West Heather Road in January 2017, the house has been owned and run as a business for short-term letting purposes by Kingston Inverness Ltd. of which the applicant is a director. The property is not and has never been occupied by the owners.


The property is advertised as sleeping 12 persons on Inverness Apartments & Cottages web site owned and run by Kingston Inverness Ltd. This would suggest that the property is suitable for more than one family. Letting regularly attracts multiple families with 3 or 4 separate vehicles and on a more frequent basis, for several weeks at a time, 3 commercial vehicles with tradesmen as indicated by photos attached. Other examples of unrelated guests have included minibuses with groups of security staff and 7 tourist motorbikes. A recent Planning Application was approved for conversion of the garage to living accommodation which would have the potential for a further 4 persons.

Guests often come and go at unsociable hours. It is not unusual for work vans to leave at 6.30am with occupants banging doors, shouting and warming up vehicles in colder weather.


Guest vehicles often park within the turning area at the end of West Heather Road, particularly larger vans or minibuses, compromising turning for cars, refuse vehicles, delivery lorries, fire tender etc.

Maintaining a 'sense of place' involves, social neighbourhood relations, opportunity for social interaction and a feeling of security but the current trend for short-term letting within neighbourhoods where visiting occupants frequently come and go with a different agenda to the local residents is undermining this. The scale of this property, the type of occupancy it attracts and the potential for it to increase in size is of great concern to local residents and we would urge THC to consider whether this property is appropriate for short-term letting in this location.

Yours Faithfully



Angus & Sarah Young



West Heather

Attractive architect designed villa with many special features in an attractive residential area with an open outlook. Sleeps 12.

[Read more >](#)

[REDACTED]

From: Bob Cormack <[REDACTED]>
Sent: 20 December 2022 20:08
To: STL Licensing
Subject: Short term lets license 5 West Heather Road Inverness
Attachments: 5 West Heather Road Letting License.pdf

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

Please find attached a copy of the letter we have drafted regarding the above, Should you require the full letter signed then please advise.

Regards
Robert W. Cormack



The Highland Council
Town House
Inverness
IV1 1JJ

Dear Sirs

Application for Short Term Lets License for 5 West Heather Road Inverness IV2 4WS

Having seen a notice in a bedroom window, which does not actually have paved access to allow viewing, it means having to enter a private garden and walking on the front lawn to actually read it, did not encourage anyone to view the notice, while this may be within the guidelines it is not encouraging any viewings, it could have been easily displayed in a window which does have paved access from the driveway.

We wish to make the following comments regarding this application

This property is in a road (cul-de-sac) where all other properties are privately owned and occupied by the owners and their families. which, it would seem was the idea behind the original layout for this site.

There is no interaction by the owners of this property and the permanent residents, I believe it is owned by Kingston Inverness Ltd, the placing of the notice in an uninviting location, just about covers the level of interaction they wish to have with their neighbours. This does not give us a sense of them being a social neighbour or having any concern for our wellbeing.

Kingston Inverness Ltd advertise this on a web site as sleeping up to 12 persons which encourages large groups which come from different households and therefore up to 4-5 vehicles arriving, the latest guests had two cars and a minibus, the cars which parked on the narrow road close to the traffic management island leaving the permanent residents playing dodgems on ice while the minibus used the area the residents leave, as free as possible as a turning area for larger vehicles. The permanent residents, where possible, park their vehicles in their driveways, the driveway for No 5 lay empty. Yes one of the business owners/managers did visit the next day and advised? they use the driveway which the cars did but not the minibus.

This property is often let to businesses for them to use to house workmen, they often work in shifts so we as residents in a normally quiet cul-de-sac have vans/ lorries coming and going at all hours (early mornings and late evenings) with doors being slammed people talking loudly and engines left running.

The property has recently had, despite the letters of objections and rejection by the local planning committee, by the Scottish government approval to convert the garage into further accommodation with the prospects of a further 4+ guests being accommodated, resulting in even more traffic and vehicles parked around the local area causing more congestion.

We therefore ask that the above is taken into account, with any other comments from residents who actually ventured into a private front garden to read the notice, when making a decision as to whether a license is granted or not.

Yours faithfully

Robert William And Ann Dunnett Cormack

20th December 2022