

	Agenda item	<b>7.4</b>
	Report no	<b>HLC/076/23</b>

**THE HIGHLAND COUNCIL**

**Committee:** THE HIGHLAND LICENSING COMMITTEE

**Date:** 24 October 2023

**Report title:** Application for the grant of a short term let licence Highfield Lodge, Highfield House, Strathpeffer, IV14 9BA (Ward 05 Wester Ross, Strathpeffer and Lochalsh)

**Report by:** The Principal Solicitor – Regulatory Services

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

<b>3.</b>	<b>Background</b>
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	In terms of the abovementioned Act, the Licensing Authority have nine months from receipt of the application to determine applications received from ‘new hosts’, therefore this application must be determined by 20 November 2023. Failure to determine the application by this time would result in the application being subject of a ‘deemed grant’ which means that a licence would require to be issued on 21 November 2023 for a period of 12 months. The application is before this Committee as this is the last meeting before the determination date expires.
3.3	<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"> <li>• The guest does not use the accommodation as their only or principal home</li> <li>• The short term let is entered into for commercial consideration</li> <li>• The guest is not: <ol style="list-style-type: none"> <li>1. An immediate family member of the host</li> <li>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</li> <li>3. an owner or part-owner of the accommodation</li> </ol> </li> <li>• 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</li> <li>• the accommodation is not excluded accommodation, and</li> <li>• the short-term let does not constitute an excluded tenancy</li> </ul>
<b>4.</b>	<b>Application</b>
4.1	On 21 February 2023 (date application was deemed valid) an application for the grant of a short term let licence was received from Alasdair Gray on behalf of G&W Limited (Company number SC662439) and having their registered office at Highfield House, Strathpeffer, Scotland, IV14 9BA.
4.2	The Premises to which the application relates is Highfield Lodge, Highfield House, Strathpeffer, IV14 9BA (“the Premises”). A site plan was provided by the applicant as part of the application process and is attached as an appendix to this report ( <b>Appendix 1</b> ). The Premises are those edged in red on such site plan.
4.3	The application has been made on the basis that G&W Limited will be the host/operator of the Premises. They have applied for the short term let licence as a ‘new host’ on the basis that the Company have not operated 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 garage conversion which can accommodate a maximum of four guests. The ground floor of the Premises comprises of an open-plan kitchen and lounge with dining area, a sofa bed for occasional use and a utility area which leads into an accessible shower room and WC (with stairs leading to the upper floor of property). The upper floor of the Premises comprises of one bedroom.
<b>5.</b>	<b>Process</b>
5.1	<p>The application was circulated to the following Agencies/Services for consultation:</p> <ul style="list-style-type: none"> <li>• Police Scotland;</li> <li>• Scottish Fire and Rescue Service;</li> <li>• Highland Council Environmental Health Service; and</li> <li>• Highland Council Building Standards.</li> </ul>
5.2	Police Scotland, Scottish Fire and Rescue Service and the Highland Council Environmental Health Service have confirmed that they have no objections to the application.
5.3	<p>Highland Council Building Standards have objected to the application and a copy of their objection is attached as an Appendix to this report:</p> <ul style="list-style-type: none"> <li>• Objection from Highland Council Building Standards dated 21 February 2023 (<b>Appendix 2</b>)</li> </ul> <p>At the time of writing, Building Standards confirmed that a building warrant application had been lodged by the applicant however the above objection to the granting of the STL licence still stands in that no completion certificate had been accepted for the conversion of the garage to form a lettable accommodation unit. Building Standards have, however, confirmed that since the objection was raised, a completion certificate has been submitted by the applicant and the applicant is working towards resolving the outstanding issues which, if resolved, would allow Building Standards to accept the completion certificate and thereby withdraw their objection to the application.</p>
<b>6.</b>	<b>Determining issues</b>
6.1	<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> <ol style="list-style-type: none"> <li>(a) the applicant or anyone else detailed on the application is not a fit and proper person;</li> <li>(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;</li> <li>(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</li> </ol>

	<ul style="list-style-type: none"> <li>(i) the location, character or condition of premises or the character or condition of the vehicle or vessel,</li> <li>(ii) the nature and extent of the proposed activity,</li> <li>(iii) the kind of persons likely to be in the premises, vehicle or vessel,</li> <li>(iv) the possibility of undue public nuisance, or</li> <li>(v) public order or public safety; or</li> </ul> <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>
6.2	<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><a href="https://www.highland.gov.uk/licensing-hearings-procedures">Licensing hearings procedures   Licensing hearings procedure (Licensing Committee) (highland.gov.uk)</a></p>
7.	<p><b>Policies</b></p> <p>The following policy is relevant to this application:</p> <ul style="list-style-type: none"> <li>• Short-term let licensing policy statement (which includes the mandatory and additional licence conditions attached to all Short Term Let Licences):-</li> </ul> <p>A copy of this policy can accessed <a href="#">here</a> or a hard copy can be supplied where requested.</p>
8.	<p><b>Implications</b></p>
8.1	<p>Not applicable.</p>
<p>Date: 2 October 2023</p> <p>Author: Julie Traynor</p> <p>Reference: <a href="#">FS486151366</a></p> <p>Background Papers:</p> <ul style="list-style-type: none"> <li>• Civic Government (Scotland) Act 1982</li> <li>• The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022</li> </ul> <p><b>APPENDICES:</b></p> <p>Appendix 1: Site plan, detailing the extent of the Premises</p> <p>Appendix 2: Objection received on 21 February 2023 from Highland Council Building Standards</p>	

APPENDIX 1

Lodge

PW

PO

HIGHFIELD LODGE

Hotel

Spa Pav

Info Cen

Medical Centre

PW

PW

Primary School

S

L  
F

Highfield House  
Strathpeffer, IV14 9BA


Centre of Map Coordinates:  
Northing: 858.031  
Easting: 248.172



1:2,500



Legend:

-  Highfield House

Highfield House is a registered trademark of Highlandomatic Ltd. All rights reserved. © Highlandomatic Ltd 2014. This map is for information only and does not constitute a contract. The map is not to be used for navigation purposes. The map is not to be used for any other purpose without the prior written consent of Highlandomatic Ltd.

**From:** Alasdair Murray (Building Standards) on behalf of STL buildingstandards  
**Sent:** 21 February 2023 17:37  
**To:** STL Licensing  
**Cc:** Tony Miller (Building Standards)  
**Subject:** RE: Short term let licence application FS-Case-486151366 - Response required

**Categories:** Mairi

Dear STL Team,

While the garage conversion has obtained planning permission (Ref 20/02209/FUL), there is no record of a building warrant being granted in respect of this work.

It is an offence in terms of the Building Scotland Act 2003 to carry out such a conversion without obtaining a building warrant. Therefore, Building Standards would object to the granting of the STL licence until this matter has been resolved.

Tony, this is FYI only, no action required just now.

Regards,

**Alasdair**

*Alasdair Murray  
(Acting) Building Standards Team Leader  
(verification – Reasonable Inquiry)  
Highland Council  
Town House  
High Street  
Inverness  
IV1 1JJ*

Please note my working hours are Mon-Thurs 8am - 5:15pm

I would appreciate if you would spare a moment to share the experience you have had with building standards, as your views are important to the council; by completing the national customer survey: - <https://www.smartsurvey.co.uk/s/BuildingStandardsNationalSurvey/?la=Highland>



**[eBuildingStandards.scot is a new online service for Building Standards which is now live and for more information, please visit the following web page https://www.highland.gov.uk/info/162/building\\_control -](https://www.highland.gov.uk/info/162/building_control)**