

	Agenda item	6.2
	Report no	HLC/089/23

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 28 November 2023

Report title: Application for the grant of a short term let licence - The White House, Onich, Fort William, PH33 6SD (Ward 21 Fort William and Ardnamurchan)

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	In terms of the abovementioned Act, the Licensing Authority have nine months from receipt of the application to determine the same, therefore this application must be determined by 6 December 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 6 December 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"> • 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 7 March 2023 (date application was deemed valid) an application for the grant of a short term let licence was received from Mr James Eslea MacDonald.
4.2	The Premises to which the application relates is The White House, Onich, Fort William, PH33 6SD (the Premises"). A site plan and floor plans were provided by the applicant as part of the application process which are attached as an appendix to this report (Appendix 1). The Premises are those shaded in pink on the plan found on page 1 of Appendix 1.
4.3	The application has been made on the basis that Mr MacDonald will be the host/operator of the Premises. Mr MacDonald has applied for a short term let licence as a 'new host' on the basis that the Premises were not operated by him 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 two storey dwellinghouse which can accommodate a maximum of ten guests. The Premises comprises of an open-plan kitchen/living area, four bedrooms, four bathrooms, a utility room and study.
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; • Highland Council Building Standards; and • Scottish Fire and Rescue Service.
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"> • Objection from Highland Council Building Standards dated 13 March 2023 (Appendix 2) <p>At the time of writing, Building Standards confirmed the applicant had contacted the case surveyor to confirm the works had now been completed. Building Standards will therefore arrange for an inspection of the property to be undertaken and a verbal update will be provided to the meeting.</p>

6.	Determining issues
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"> (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 <ol 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

	<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>Licensing hearings procedures Licensing hearings procedure (Licensing Committee) (highland.gov.uk)</p>
7.	<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>
8.	<p>Implications</p>
8.1	<p>Not applicable.</p>
<p>Date: 6 November 2023</p> <p>Author: Julie Traynor</p> <p>Reference: FS484502921</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>APPENDICES:</p> <p>Appendix 1: Site plan detailing extent of premises, together with floor plans</p> <p>Appendix 2: Objection received on 13 March 2023 from Highland Council Building Standards</p>	



LAND REGISTER OF SCOTLAND



WHITE HOUSE, ONICH, FORT WILLIAM, PH33 6SD

Survey scale 1:2500

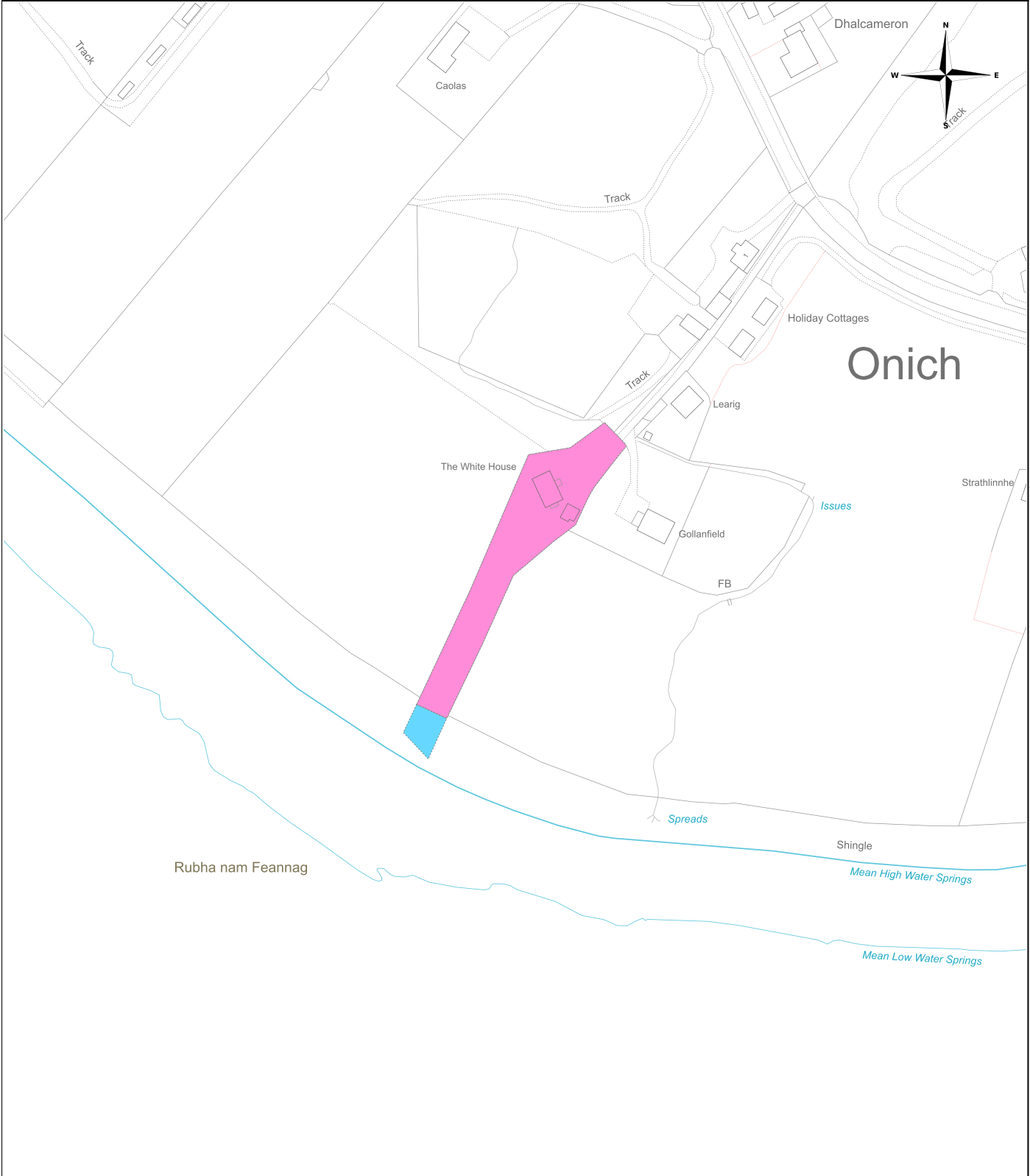
Print scale 1:2500 @ A4

22/01/2020

REQUEST NUMBER 5032631INV

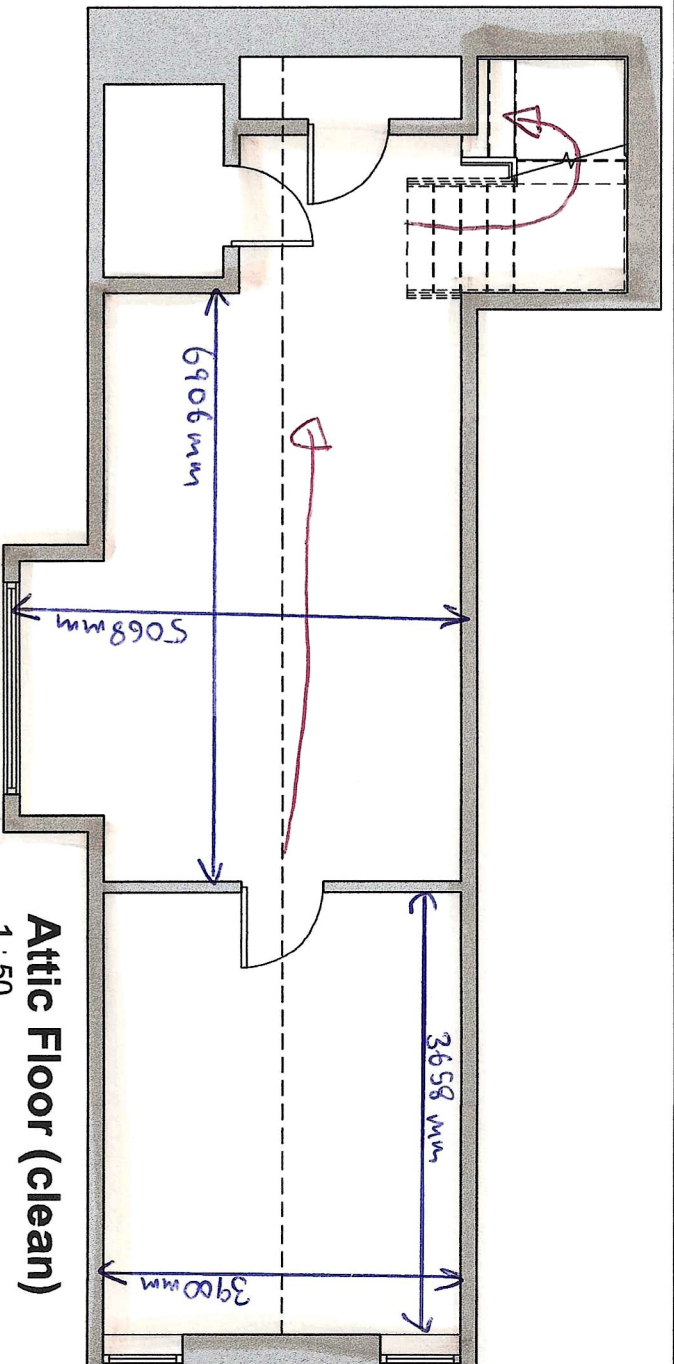
202039 761091 202498 761619

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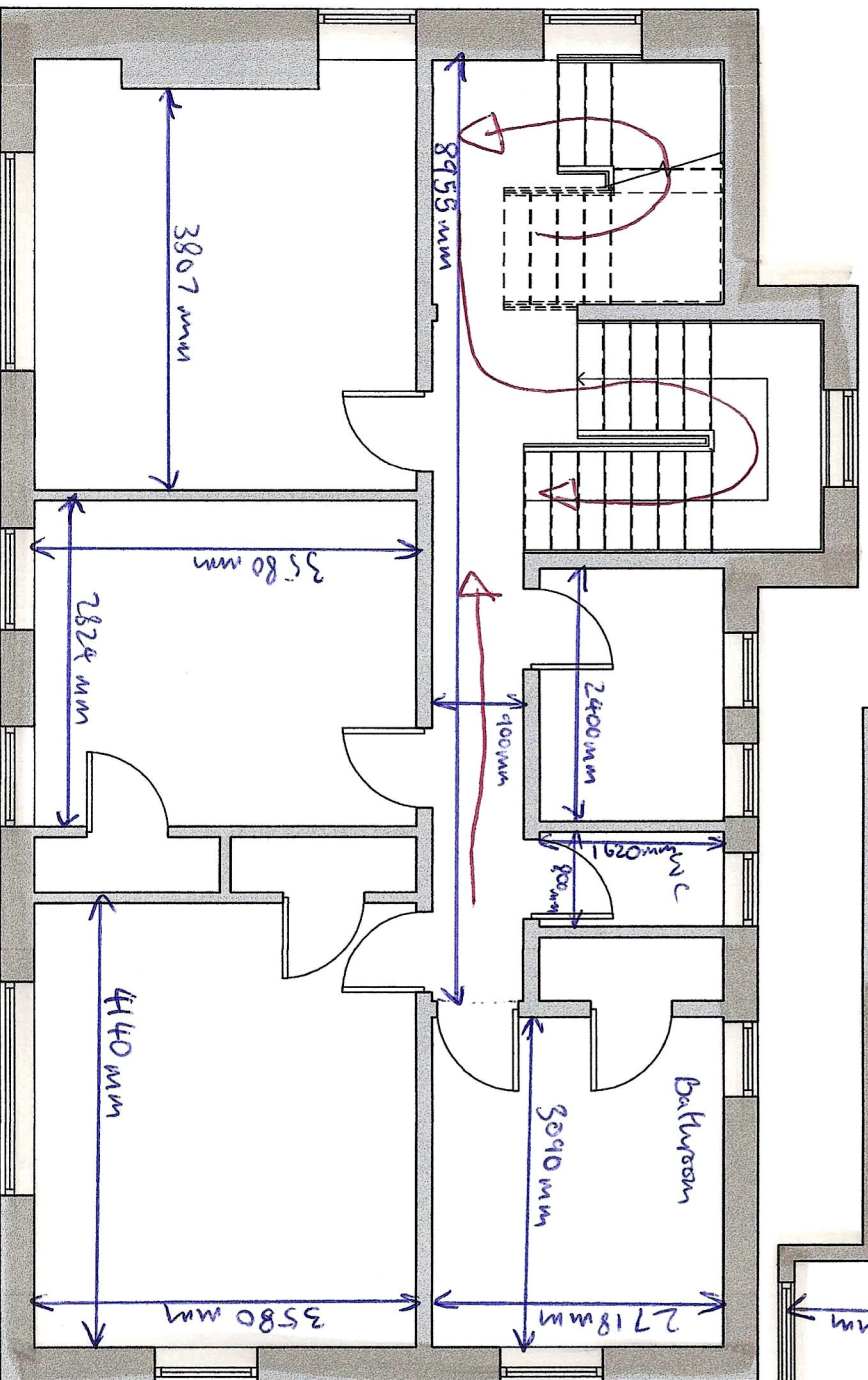


Maximum Occupancy:

10 Persons



Attic Floor (clean)
1 : 50



First floor (clean)



FOR INFORMATION
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tel: 01349 867766 fax: 01349 867769
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No.	Description	Date

Mr Jamie Macdonald
'The White House', Onich

First & Attic floors

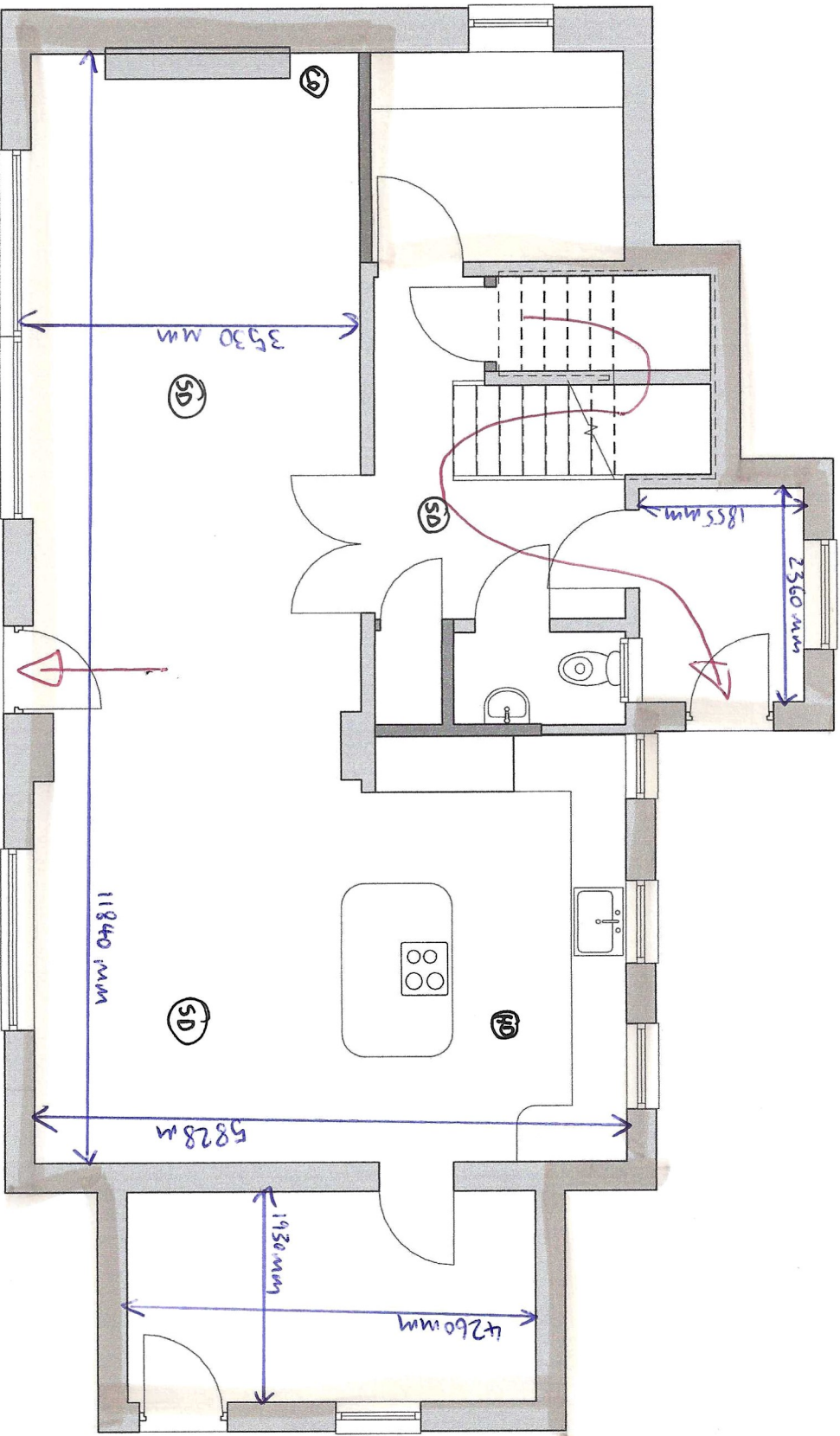
Date 22.12.22

Drawn by WJR

Scale 1 : 50

2020 018 - 009

1. Prepared by architect or architectural staff, unless otherwise stated.
2. Contractor is responsible for checking all dimensions prior to construction.



Ground floor (clean)
1 : 50

- Heat Detector (HD)
- Smoke Detector (SD)
- Short term kit (SD)
- CO Detector (CD)
- Fire Escape route

FOR INFORMATION



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No.	Description	Date

Mr Jamie MacDonald

'The White House', Orlich

Ground Floor	22.12.22
Date	WJR
Drawn by	1 : 50
Scale	2020 018 - 008

1. I, the undersigned, accept responsibility for the accuracy of the information provided.
2. Contractor is responsible for checking all dimensions prior to construction.

From: [Ian Patience \(Building Standards\)](#) on behalf of [STL buildingstandards](#)
To: [STL Licensing](#)
Subject: RE: Short term let licence application FS-Case-484502921 - Response required
Date: 13 March 2023 17:01:55

Hi STL team,

There is an outstanding building warrant for alterations to the house 20/01323/DOM4 which will require a completion certificate accepted prior to the confirmation of no objection to the STL licence from a building standards perspective.

Also none of the rooms are designated to identify what their intended use is.

Regards

Ian

Ian Patience
Building Standards Team Leader
Verification (Approvals)

County Buildings
84 High Street
Dingwall
IV15 9QN
01349 868446

[Redacted]

[Redacted]
