

	Agenda item	6.3
	Report no	HLC/090/23

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 Annex, 4 Hostel Brae, Kinlochleven, PH50 4RT (Ward 21 Fort William and Ardnamurchan)

Report by: The Principal Solicitor – Regulatory Services

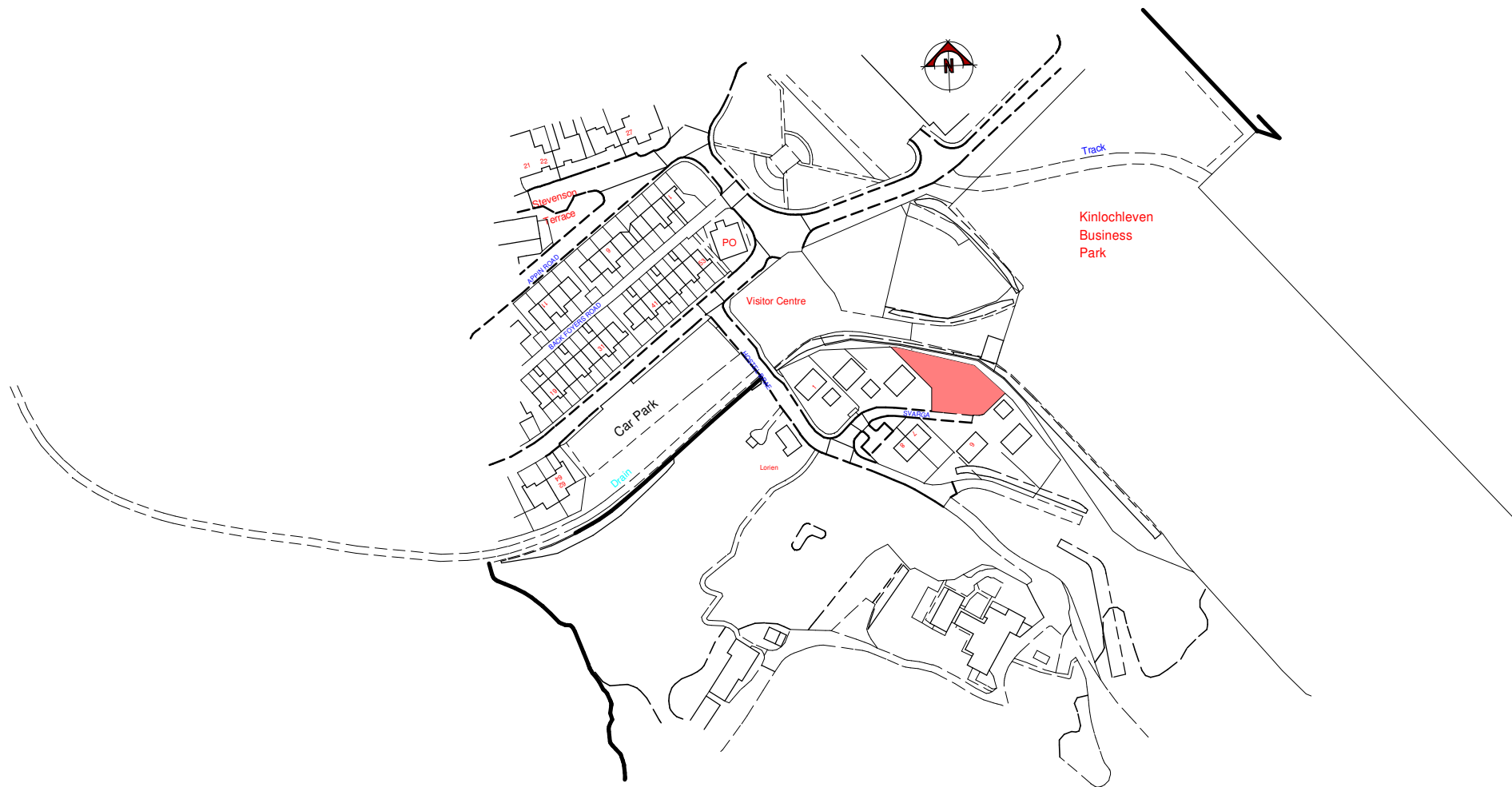
1.	Purpose/Executive Summary
1.1	This report relates to an application for the grant of a short term let licence.
2.	Recommendation
2.1	Members are asked to determine the application in accordance with the Council's hearings procedure.

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 30 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 30 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 31 March 2023 (date application was deemed valid) an application for the grant of a short term let licence was received from Mr Ross Murphy.
4.2	The Premises to which the application relates is The Annex, 4 Hostel Brae, Kinlochleven, PH50 4RT (the Premises"). A site plan and floor plan 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 red on the plan found on page 1 of Appendix 1.
4.3	The application has been made on the basis that Mr Murphy and a Mrs Rachel Carr will be the host/operators of the Premises. Mr Murphy and Mrs Carr have applied for the short term let licence as a 'new host' on the basis that the Premises were not operated by Mr Murphy and Mrs Carr 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 an annex ancillary to a dwellinghouse which can accommodate a maximum of four guests. The Premises comprises of an open-plan kitchen/living area, a sleeping area and a shower room. The applicant has further indicated that guests will have access to a wood fired hot tub and wood fired fire pit.
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; and • Highland Council Building Standards.
5.2	Police Scotland and The Highland Council's Environmental Health Service have confirmed that they have no objections to the application.
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.
5.4	Highland Council Building Standards have objected to the application and a copy of their objection is attached as an Appendix to this report: <ul style="list-style-type: none"> • Objection from Highland Council Building Standards dated 3 April 2023 (Appendix 2) <p>At the time of writing, Building Standards confirmed that the late completion application, ref 23/01115/DOM4, in respect of the premises is still outstanding.</p>

6.	Determining issues
6.1	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"> (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

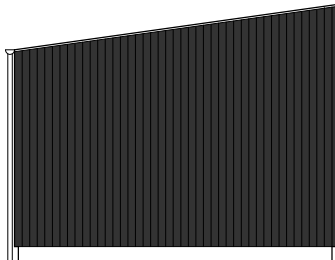
	<p>(v) public order or public safety; or</p> <p>(d) there is other good reason for refusing the application.</p> <p>If required, the Principal Solicitor – Regulatory Services will offer particular advice on the criteria relating to this particular application.</p>
6.2	<p>A copy of this report has been 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	Not applicable.
<p>Date: 6 November 2023</p> <p>Author: Julie Traynor</p> <p>Reference: FS500981113</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 plan</p> <p>Appendix 2: Objection received on 3 April 2023 from Highland Council Building Standards</p>	



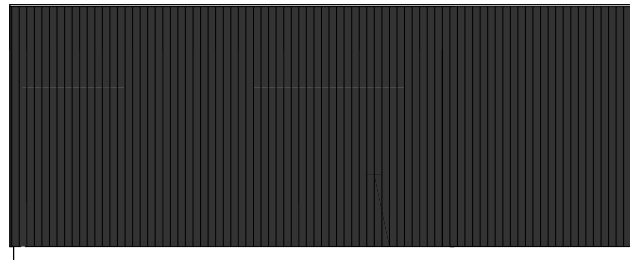
LOCATION PLAN

scale 1:2500

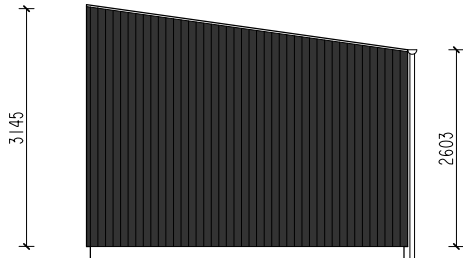




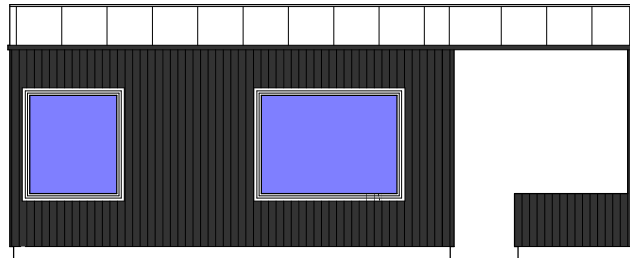
SIDE ELEVATION



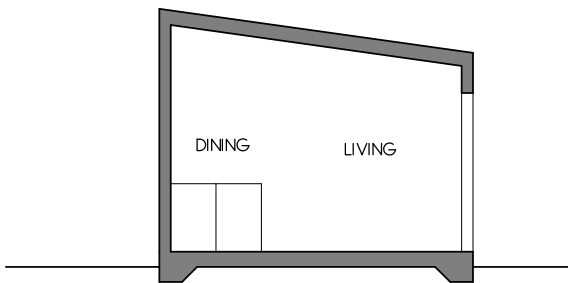
REAR ELEVATION



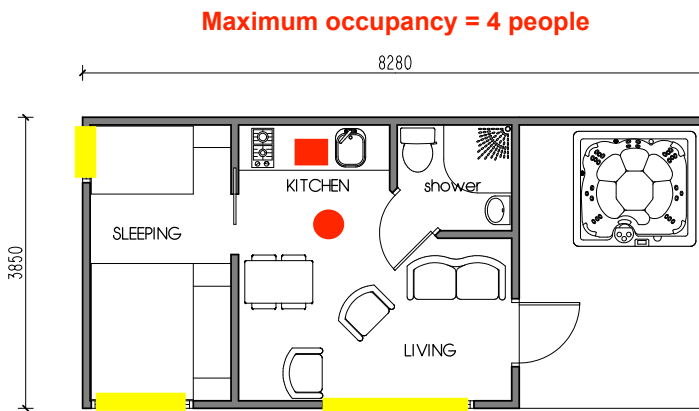
SIDE ELEVATION



FRONT ELEVATION



SECTION



GROUND FLOOR PLAN



Note
The contractor will be held to have checked all dimensions before commencing with any works and, in the event of discrepancies, is to refer them directly to this office for clarification prior to commencement of work.

Written dimensions are to be taken in all cases. Drawings should not be scaled for dimensions. In case of doubt refer to this office.

This drawing is copyright and all rights are reserved. No unauthorised copying of this drawing is permitted.

EXTERNAL FINISHES :

ROOF - ZINC TO MATCH EXISTING HOUSE

EXTERNAL WALLS - BLACK LARCG CLADDING TO MATCH EXISTING HOUSE

EXTERNAL DOORS AND WINDOWS - PVC TO MATCH EXISTING HOUSE

project
PROPOSED POD, PLOT 4, SVARGA,
HOSTEL BRAE, KINLOCHLEVEN

client
MR. P. GRIMSHAW

detail
DESIGN SKETCH 1



D KELLY DESIGN
Architectural Consultant

Queen Anne House • 111 High Street
Fort William • PH33 6DG
Tel: 01397 700999 • Fax: 01397 700888

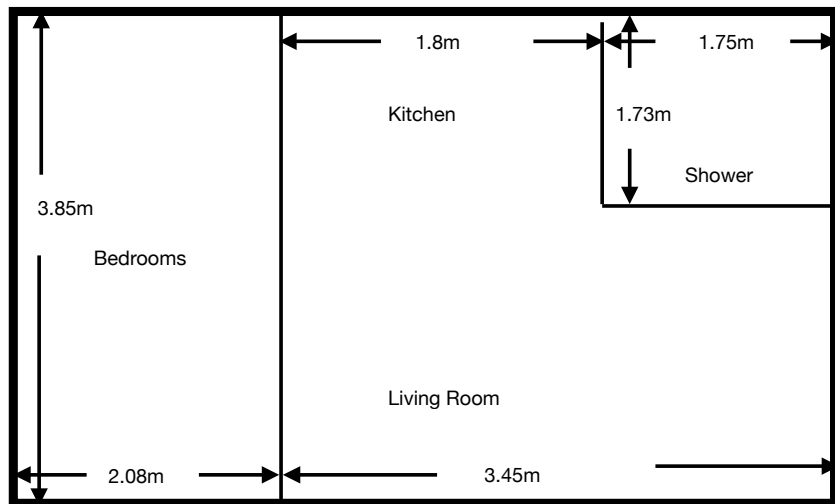
scale 1: 50 date 18. 02. 21

job no. 21/O13 drg no. 101 drawn D. KELLY

The Annex, 4 Svarga, Hostel Brae, Kinlochleven, PH50 4RT

Further to the Annex floor plans, the key/legend is as follows:

- Red circle = location of fire/heat detector.
- Red square = location of fire extinguisher and fire blanket.
- Large yellow rectangle = main fire escape (patio doors).
- Smaller yellow rectangles = emergency fire escapes (via windows).
- Room sizes:
 - Bedrooms = 3.85m x 2.08m.
 - Living room = 3.85m x 3.45m
 - Kitchen = 1.8m x 1.73m
 - Bathroom = 1.75 x 1.73m.



From: [Alasdair Murray \(Building Standards\)](#) on behalf of [STL_buildingstandards](#)
To: [STL Licensing](#)
Cc: [Andrew Gayler \(Building Standards\)](#); [Ian Patience \(Building Standards\)](#)
Subject: RE: Short term let licence application FS-Case-500981113 - Response required
Date: 03 April 2023 15:59:17
Attachments: [image001.png](#)

Dear STL Team,

Re the above-mentioned STL application I can advise as follows;

While the pod itself might be exempt from requiring a building warrant, there is no record of a building warrant ever being issued in respect of the foul drainage serving the pod.

In view of this, Building Standards would object to the granting of the STL licence until the appropriate building warrant and completion certificate approvals are in place.

Andrew, FYI planning permission, ref 21/02172/FUL, was granted for the pod (whether it meets the BW exemption requirements for pods needs to be confirmed), June 2021.

Regards,

Alasdair

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

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