

	Agenda item	6.2
	Report no	HLC/04/24

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 9 January 2024

Report title: Application for the grant of a short term let licence – 6 Bellfield Park, Inverness, IV2 4SZ (Ward 14 – Inverness Central)

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 18 August 2023 (date application was deemed valid) an application for the grant of a short term let licence was received from, Ms Jillian MacLeod, agent of Ness Holiday Homes Limited, acting on behalf of their client, Mrs Sarah Jane Blake.
4.2	The Premises to which the application relates to is 6 Bellfield Park, Inverness, IV2 4SZ ("the Premises"). A location plan and floor plan were provided by the applicant as part of the application process and are attached as an appendix to this report (Appendix 1). The Premises are those edged in red on the plan found on page 1 of Appendix 1.
4.3	The application for the short term let licence has been made on the basis that the said Mrs Blake will be the host/operator of the Premises. The application states that Mrs Blake has applied for a short term let licence as a 'new host' on the basis that the Premises were not operated by them as a short term let property prior to 1 October 2022. The person named on the application as being responsible for the day-to-day management of the premises is the said Ms MacLeod.
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 ground floor of the Premises comprises of an open plan living/kitchen area with stairs leading to the first floor of the Premises which comprises of two bedrooms 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; and • Highland Council Building Standards Service.
5.2	All 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.
5.4	In respect of the public notice of the application; the Applicant was requested to display a fresh public notice , as the original notice had been displayed in the name of the said Applicant's agent and not the Applicant. The Applicant's details were amended in a fresh public notice and the Applicant's agent has provided a certificate of compliance, confirming that a public notice of application for the short term let licence was displayed at or near the Premises for a period of 21 days.

6.	Public representation
6.1	<p>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.</p> <p>During the notice of display period, the following timeous objections were received and are attached as Appendices to this report:</p> <ul style="list-style-type: none"> • Objection received by email on 29 August 2023 from Mrs Lianne Brown and Mr James Anderson (Appendix 2). • Objection received by email on 10 September 2023 from Dr Bridie Barnett (Appendix 3).
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> <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

	<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 <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>
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7.2	<p>A copy of this report has been sent to the applicant and the objectors 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>
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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>
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9.	Implications
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9.1	Not applicable.
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Date:	12 December 2023
Author:	Julie Traynor
Reference:	FS539613616
Background Papers:	<ul style="list-style-type: none"> • Civic Government (Scotland) Act 1982 • The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022
APPENDICES:	
Appendix 1:	Site plan, detailing the extent of the Premises and floor plan.
Appendix 2:	Objection received by email dated 29 August 2023 from Mrs Lianne Brown and Mr James Anderson
Appendix 3:	Objection received by email dated 10 September 2023 from Dr Bridie Barnett



6 Bellfield Park, Inverness, IV2 4SZ



6 Bellfield Park

▼ Ground Floor



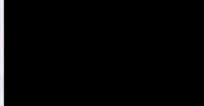
▼ 1st Floor



	Route to fire exit
	Fire Alarm
	Carbon Monoxide alarm

APPENDIX 2

Lianne Brown & James Anderson



The Highland Council
Charles Kennedy Building
Achintore Road
Fort William
PH33 7RQ

29/08/2023

Subject: Objection to Application for Short-Term Let at 6 Bellfield Park, Inverness, IV2 4SZ.

Dear Sir or Madam,

Please regard this letter as our objection to the above-mentioned application posted on the 19/08/2023 at 6 Bellfield Park.

Our representation is made as homeowners and permanent residents of Bellfield Park, having lived at this address for over ten years where we continue to bring up our young family.

Our objection is based on the following points:

1) Potential Disruption and Nuisance:

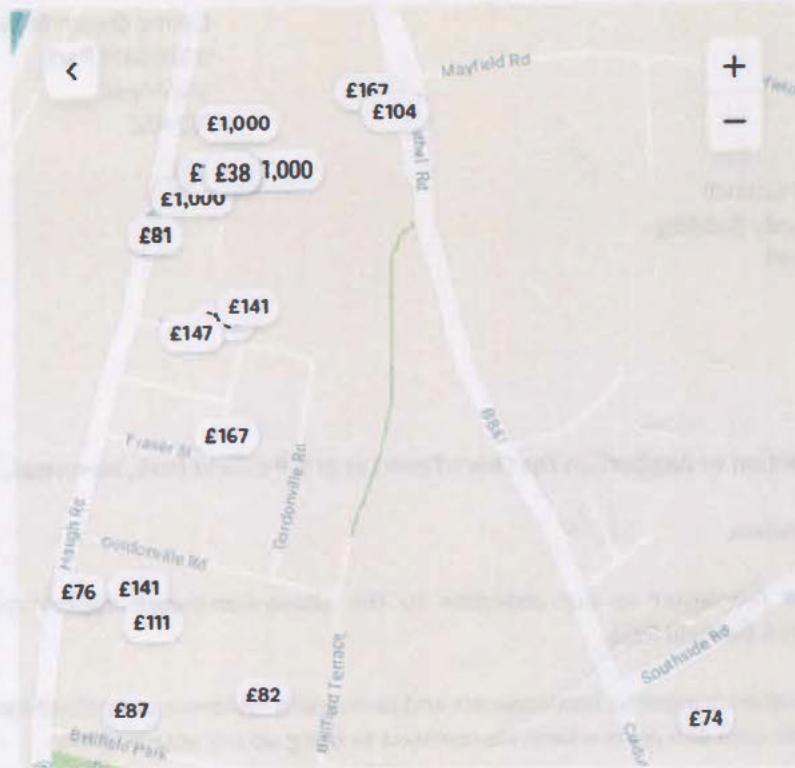
Bellfield Park is a tranquil residential neighbourhood, cherished by both elderly residents and young families like ours. We are apprehensive about the potential disturbances and nuisances that may arise from converting this property into a short-term rental. The lack of accountability among transient guests raises concerns about noise and disruption. The application lacks details regarding property management, leaving us uncertain about its intentions. Will it be used as an Airbnb, and how will the applicant address issues arising from guests? Clarity is needed on management procedures, including accessibility during evenings and weekends.

2) Risk to safety:

As parents to two young children, our paramount concern is the safety of our family. The constant influx of strangers into our neighbourhood raises apprehensions. Given the abundance of B&Bs and hotels in Inverness, we question the necessity of further blurring the line between residential and hotel accommodations. The applicant's remote address enjoys privacy, and we question whether the applicant would want to introduce worry and insecurity to her doorstep. We seek assurance that vulnerable individuals can continue to live on our street without fear or worry.

3) Removal of Rentable Housing Stock:

We observe that the applicant already owns a property. The acquisition of this additional property, potentially removing it from the long term rental market, highlights profit-taking at the expense of Inverness residents. In a city already grappling with a severe shortage of affordable housing, both for renters and first-time buyers, such practices exacerbate the problem. While welcoming visitors is important, it should not come at the cost of our existing residents. The rise of short-term lets threatens the sense of community that defines Inverness. We hope that Bellfield Park does not become a neighbourhood where permanent tenants are displaced entirely by short-term rentals.



As depicted in the map above, sourced from the AirBnB website, there are presently 18 properties available for short-term rentals within a five-minute walking distance. It is worth noting that there may be additional options not displayed on this platform, either privately listed or through alternative third-party providers.

As you are likely aware, several guesthouses are situated nearby, and the Riverside area boasts numerous hotels for tourist accommodation. The issue of regulating short-term lets is one that communities across Scotland are confronting. We have informed our neighbours about this application and have been made aware that others also intend to raise objections.

We kindly request the planning committee's thoughtful consideration of our concerns and the rejection of this application.

In closing, we kindly request that any response or representation from the applicant be submitted in writing.

Yours sincerely,

[Redacted signature]

Mrs Lianne Brown and Mr James Anderson

Bridie Barnett

Via email to: stl@highland.gov.uk

10.9.2023

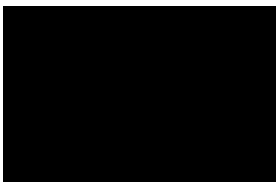
To whom it may concern,

Re: Application for short term lets licence, 6 Bellfield Park, Inverness, IV2 4SZ

I would like to submit the following objections to the above application.

1. The kind of persons likely to use the premises: Bellfield park is a quiet residential area, with a friendly community of families, young people and the elderly. This includes people vulnerable due to young or old age and disability. Short term occupants of premises within this community pose a threat to the quiet and safe environment. People who are only staying for a few days (the guests) or who are landlords from a distance will have the awareness or concern for neighbours in the same way that long term residents would.
2. Nature and extent of the proposed activity: The Bellfield Park area already has numerous short term let properties. As mentioned above this is a residential area that is safe and quiet and an ideal place for families and professionals to live. There is a dearth of long term rental and properties for sale for people who wish to move to the area to live and work, which is significantly exacerbated by the high numbers of short term lets within the city. Bellfield park and surround has many guest houses, hotels and short term lets already, and the community will become eroded if properties continue to be licenced for short term lets.
3. Short term lets pose a risk of public safety/nuisance: This is a safe and quiet neighbourhood where children from the surrounding area often play in the park. Properties with unmonitored short term guests pose a risk to the safe residential environment. Short term guests are also more prone to be inconsiderate in terms of noise and behaviour.

Sincerely,



Dr Bridie Barnett