

	Agenda item	6.3
	Report no	HLC/05/24

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 9 January 2024

Report title: Application for the grant of a short term let licence – Woodside Cabin, Woodside Cottage, Leachkin Brae, Inverness, IV3 8PN (Ward 13 Inverness West)

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 13 January 2024. 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 13 January 2024 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 14 April 2023 (date application was deemed valid) an application for the grant of a short term let licence was received from Mr Alexander Finlay Morrison.
4.2	The Premises to which the application relates is Woodside Cabin, Woodside Cottage, Leachkin Brae, Inverness, IV3 8PN (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 outlined in red on the site plan found on page 2 of Appendix 1.
4.3	The application has been made on the basis that Mr Alexander Finlay Morrison will be the host/operator of the Premises. Mr Morrison has applied for the short term let licence as a 'new host' on the basis that the Premises was not operated by Mr Morrison 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 two guests. The Premises comprises of an open-plan kitchen/living area, one bedroom and a shower room. The applicant has further indicated that guests will have access to an outdoor wooden decking area.
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 18 April 2023 (Appendix 2)

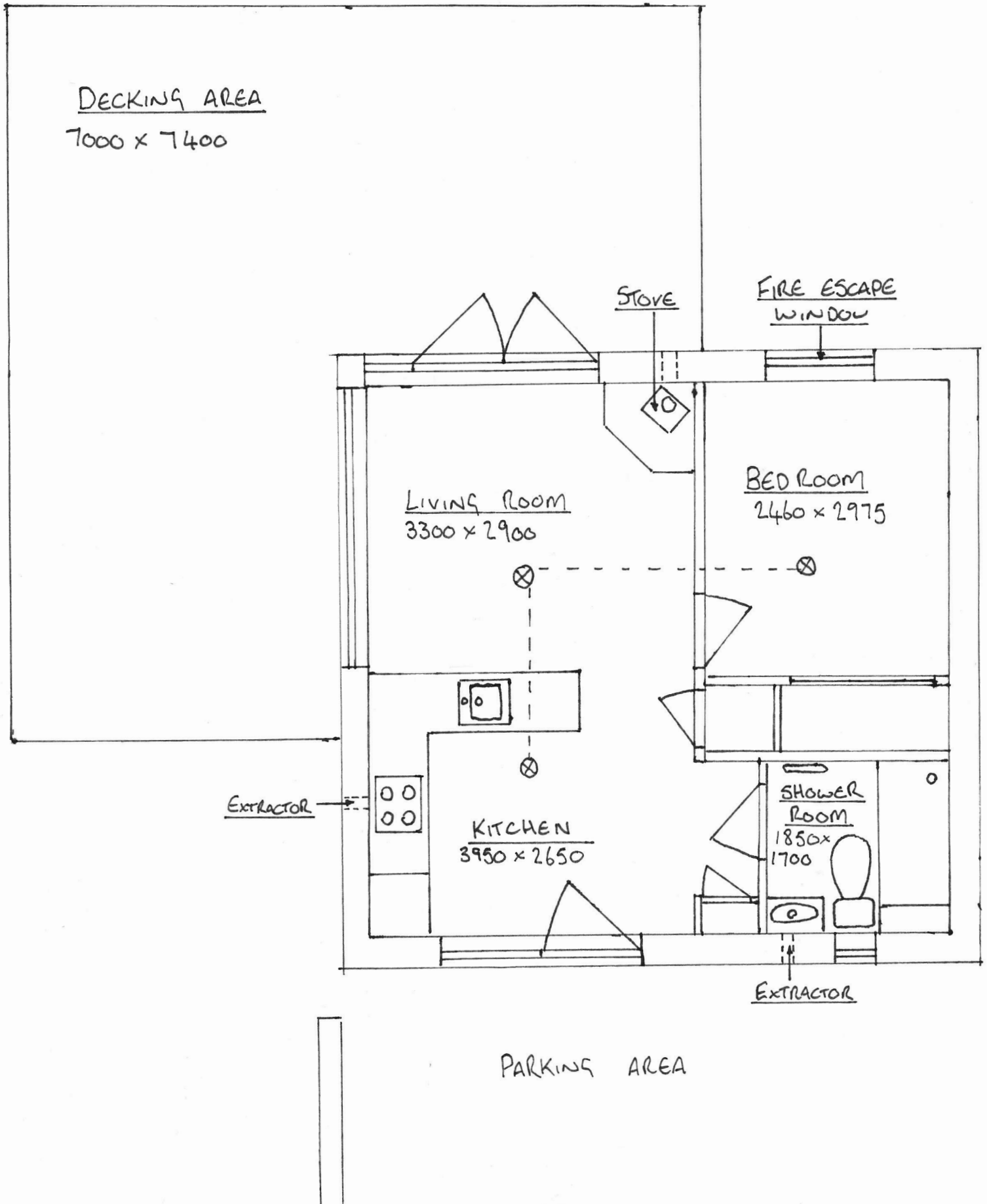
6.	Determining issues
6.1	<p>Paragraph 5(3) of Schedule 1 of the Civic Government (Scotland) Act 1982 states that a licensing authority may refuse an application to grant or renew a licence where:</p> <p>(a) the applicant or anyone else detailed on the application is not a fit and proper person;</p> <p>(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;</p> <p>(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</p> <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>
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: 5 December 2023</p> <p>Author: Julie Traynor</p> <p>Reference: FS503608549</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 18 April 2023 from Highland Council Building Standards</p>	

WOODSIDE CABIN FLOOR PLAN

SCALE 1:50 @ A4

SMOKE ALARM ⊗





LAND REGISTER
OF SCOTLAND

Officer's ID / Date

9995
28/7/2009

TITLE NUMBER

INV10367



ORDNANCE SURVEY
NATIONAL GRID REFERENCE

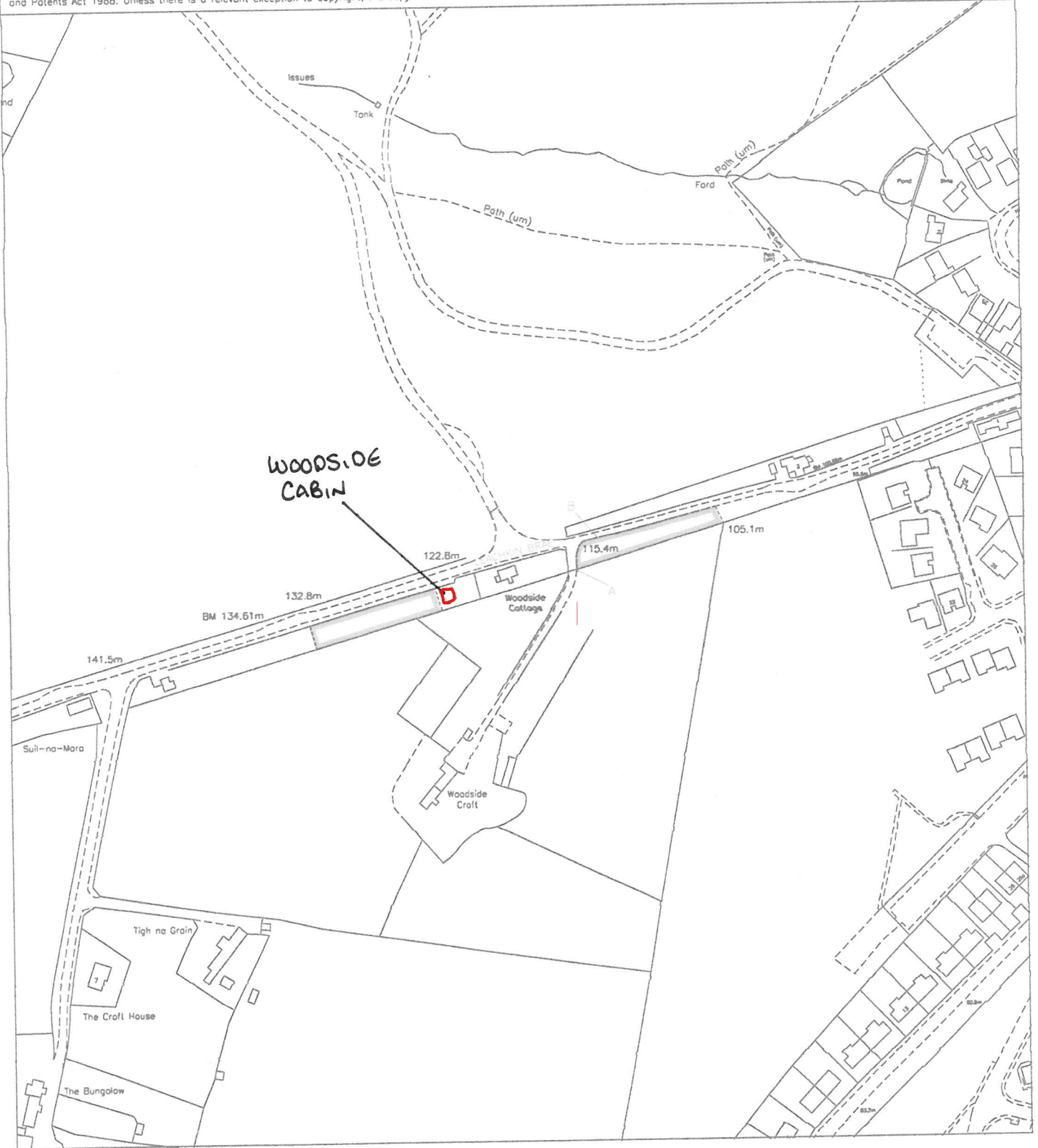
140m

Survey Scale

1/2500

NH6444NW NH6445SW NH6344 NH6345

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From: Alasdair Murray (Building Standards) on behalf of STL buildingstandards
Sent: 18 April 2023 15:12
To: STL Licensing
Subject: RE: Short term let licence application FS-Case-503608549 - Response required

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: [REDACTED]

Dear STL Team,

Having reviewed our register against this property, we have no record of Building warrant approval for the erection, or conversion, of this property to form lettable accommodation. Therefore, until such time they can confirm they have a building warrant or completion certificate, Building Standards would object to the granting of the STL licence.

Regards,

Alasdair

*Alasdair Murray
(Acting) Building Standards Team Leader
(verification – Reasonable Inquiry)
Highland Council
Infrastructure & Environment Service
Glenurquhart Road
Inverness
IV3 5PB*

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_-_building_regulations/171/building_regulations Follow up documentation should no longer be submitted directly to Building Standards Surveyors or to Area Planning & Building Standards Offices. If you would like to submit revised plans or any other follow up information in relation to existing applications, please do so by using the Additional Supporting Documents online form available on the [eBuildingStandards.scot Portal](#). Further guidance on how to do this can be found [here](#). Please remember to quote the correct application reference number on the online form before submitting. Thank you for your co-operation.

For guidance on making electronic applications please contact:

eBuilding Standards Processing Centre

Glenurquhart Road

Inverness

IV3 5NX

Tel. (01349) 886 608

Mail. ebuildingstandards@highland.gov.uk

From: The Highland Council <stl@highland.gov.uk>

Sent: 14 April 2023 14:45

To: STL buildingstandards <STLbuildingstandards@highland.gov.uk>

Subject: Short term let licence application FS-Case-503608549 - Response required

Reference: FS-Case-503608549

An application for a short term lets licence has been received from Alexander Finlay Morrison, Woodside Cottage Leachkin Brae, Inverness, IV3 8PN in respect of Woodside Cottage Leachkin Brae, Inverness, IV3 8PN.

[Open the assessment stage in CaseViewer](#)

I would ask that you submit your response to this email by **13/05/2023**.

Actions required

1. Review the application
2. Reply to this email stating you have either:
 1. No objections or representations
 2. An objection or representation (provide details)

You can also [open the original application](#) if you wish to view the original submission by the applicant.

If you have any queries, please do not hesitate to reply to this email.

Regards,

Licensing Team

The Highland Council