

**THE HIGHLAND COUNCIL**

**Committee:** THE HIGHLAND LICENSING COMMITTEE

**Date:** 13 February 2024

**Report title:** Application for the grant of a short term let licence – 18 Shaw Place, Fort William, PH33 6HZ (Ward 22 – Fort William and Ardnamurchan)

**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	<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 27 October 2023 (date application was deemed valid) an application for the grant of a short term let licence was received from Mr Syed Russell on behalf of SRC Property Management Limited (Company number SC732979) and having their registered office at 5 Torlundy Road, Caol, Fort William, PH33 7EB.
4.2	The Premises to which the application relates to is 18 Shaw Place, Fort William, PH33 6HZ ("the Premises"). A location plan was provided by the applicant as part of the application process and this is attached as an appendix to this report ( <b>Appendix 1</b> ). The Premises are those shaded red on plan marked as "Location Plan" on Appendix 1.
4.3	The application for the short term let licence has been made on the basis that SRC Property Management Limited will be the host/operator of the Premises. The application was made after 1 October 2023 and, as such, the host/operator cannot operate the premises as a short term let until they have obtained a licence.
4.4	The person named on the application as being responsible for the day-to-day management of the Premises is Mr Syed Russell. The person named on the application as being the owner of the Premises and being responsible for the day-to-day management of the Premises is the said Mr Russell.
4.5	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.

4.6	The Premises is described as a flat with a communal entrance which can accommodate a maximum of 6 guests. The Premises comprises of 3 bedrooms, a kitchen, bathroom and shower room. A floor plan of the Premises was provided by the applicant as part of the application process and this can be found on of the plan marked as “As existing floor plans” on Appendix 1.
4.7	As part of the application process, the applicant requires to submit evidence of valid buildings insurance being in place for the duration of the licence. At the time of writing, such evidence is awaited. The Applicant will be required to provide evidence that the necessary buildings insurance is in place prior to any short term let licence being granted.
<b>5.</b>	<b>Process</b>
5.1	The application was circulated to the following Agencies/Services for consultation: <ul style="list-style-type: none"> <li>• Police Scotland;</li> <li>• Scottish Fire &amp; Rescue Service;</li> <li>• Highland Council Environmental Health Service; and</li> <li>• Highland Council Building Standards Service.</li> </ul>
5.2	All of the above Agencies/Services have confirmed that they have no objections to the licence being issued.
5.3	In addition, the applicant has provided a certificate of compliance confirming that a public notice of application for their short term let licence was displayed at or near the Premises for a period of 21 days.
<b>6.</b>	<b>Late Objection</b>
6.1	An objection to the application was received on 27 November 2023 from Mr Alan McPhail, however this was received after the 28 day period for objections had elapsed, namely on 25 November 2023, and therefore cannot automatically be considered by the Committee.
6.2	At the meeting Mr McPhail will be invited to address the Members as to the reason why the objection was submitted after the required timescale. The applicant will be invited to address the Committee on the same and thereafter Members will require to determine whether there were sufficient reasons for the late objection and whether it should be heard.
6.3	If the Committee are minded to accept the late objection a copy will be circulated at the meeting. If not, the application will be determined in its absence.
<b>7.</b>	<b>Determining issues</b>
7.1	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: <p>(a) the applicant or anyone else detailed on the application is not a fit and proper person;</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;
- (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
  - (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
- (d) there is other good reason for refusing the application.

If required, the Principal Solicitor – Regulatory Services will offer particular advice on the criteria relating to this particular application.

7.2 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.

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:

[Licensing hearings procedures | Licensing hearings procedure \(Licensing Committee\) \(highland.gov.uk\)](http://highland.gov.uk)

**8. Policies**

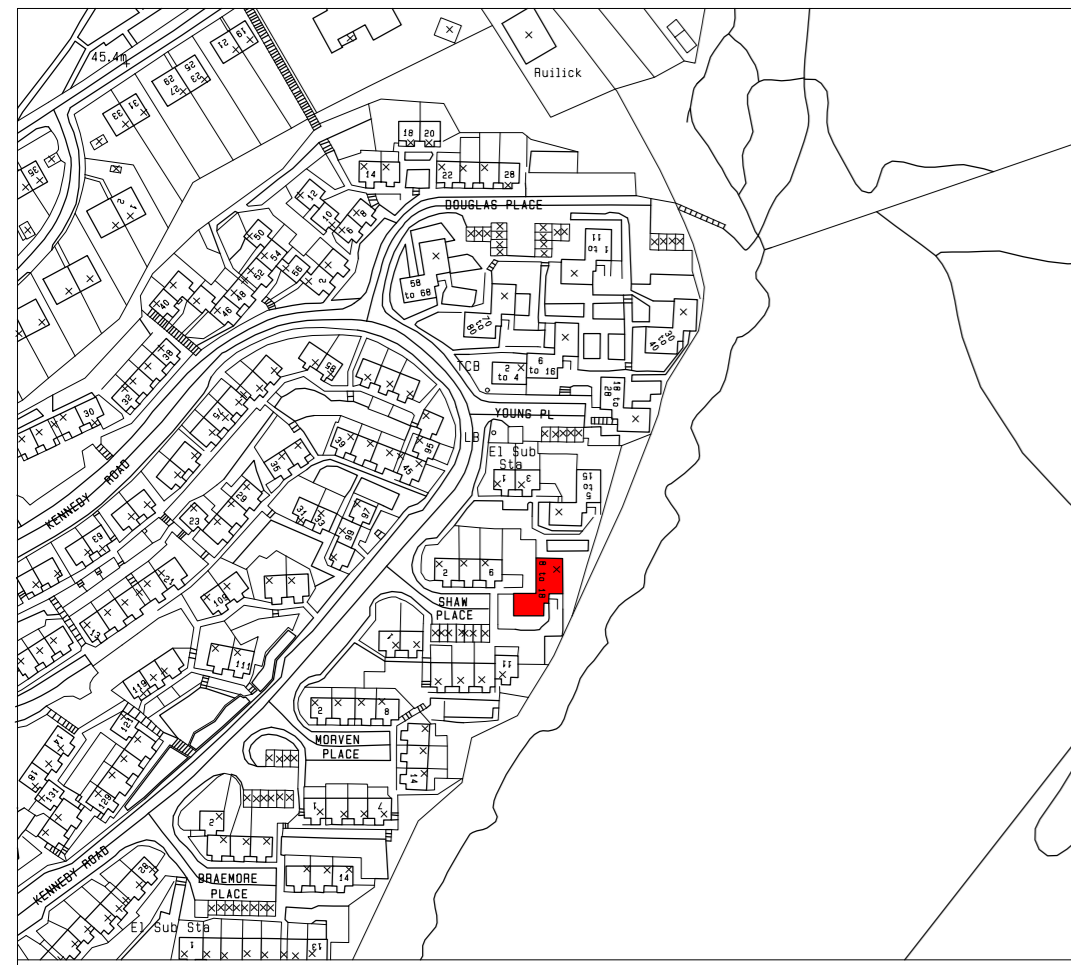
The following policy is relevant to this application:

- Short-term let licensing policy statement (which includes the mandatory and additional licence conditions attached to all Short Term Let Licences):-

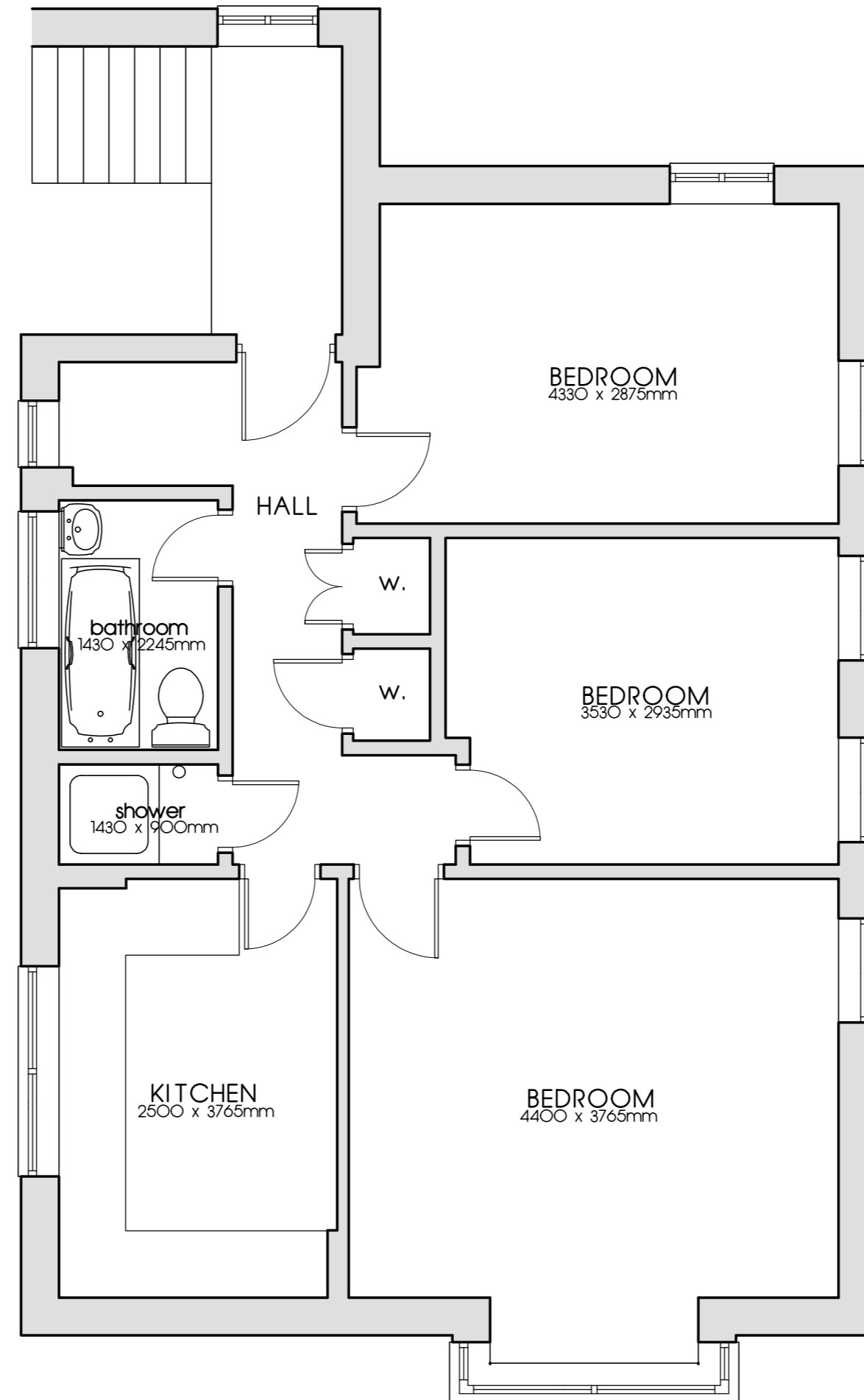
A copy of this policy can accessed [here](#) or a hard copy can be supplied where requested.

<b>9.</b>	<b>Implications</b>
9.1	Not applicable.
Date:	22 January 2024
Author:	Julie Traynor
Reference:	<a href="#">FS550296008</a>
Background Papers:	<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>
<b>APPENDIX:</b>	
Appendix 1:	Site plan, detailing the extent of the Premises, and floor plan.

**APPENDIX 1**



LOCATION PLAN SCALE 1 : 2500



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.

project	18 SHAW PLACE, FORT WILLIAM	
client	MR. S. RUSSELL	
detail	AS EXISTING FLOOR PLANS	
 <b>DKD</b> 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 23 : 02 : 10
job no.	10/015	drg no. 101 drawn J. CORBETT