

Agenda item	10.1
Report no	HLC/040/24

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 7 May 2024

Report title: Application for the grant of a short term let licence - Loch Ness Hideaway, Craigwell, 1 West Lewiston, Drumnadrochit, IV63 6UW (Ward 12 Aird and Loch Ness)

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 20 June 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 20 June 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	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:

	<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 21 September 2023 (date application was deemed valid) an application for the grant of a short term let licence was received from Stewart Thomas Dickison.
4.2	The Premises to which the application relates is Loch Ness Hideaway, Camping Pod, Craigwell, 1 West Lewiston, Drumnadrochit, IV63 6UW (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 coloured in blue and marked up as "Pod" on the site plan found on page 1 of Appendix 1.
4.3	The application has been made on the basis that Mr Dickison and a Mrs Xia Zhu will be the host/operators of the Premises. Mr Dickison and Mrs Zhu have applied for the short term let licence as a 'new host' on the basis that the Premises were not operated by Mr Dickison and Mrs Zhu as a short term let property prior to 1 October 2022. In addition, Mr Dickison and Mrs Zhu are named on the application as the owners of the Premises. Mr Dickison is named as the person responsible for the day-to-day management of the Premises.
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 glamping pod which can accommodate a maximum of two guests. The Premises comprises of an open-plan living area and a bathroom. A floor plan of the Premises was provided by the applicant as part of the application process and this can be found on page 2 of Appendix 1.
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 licence application on the basis that they have been unable to identify a building warrant or completion certificate in respect of the foul drainage system which serves the Premises.

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> <ul 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 (d) there is other good reason for refusing the application. <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):-

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

8. Implications

8.1 Not applicable.

Date: 15 April 2024

Author: Julie Traynor

Reference: [FS547749152](#)

Background Papers:

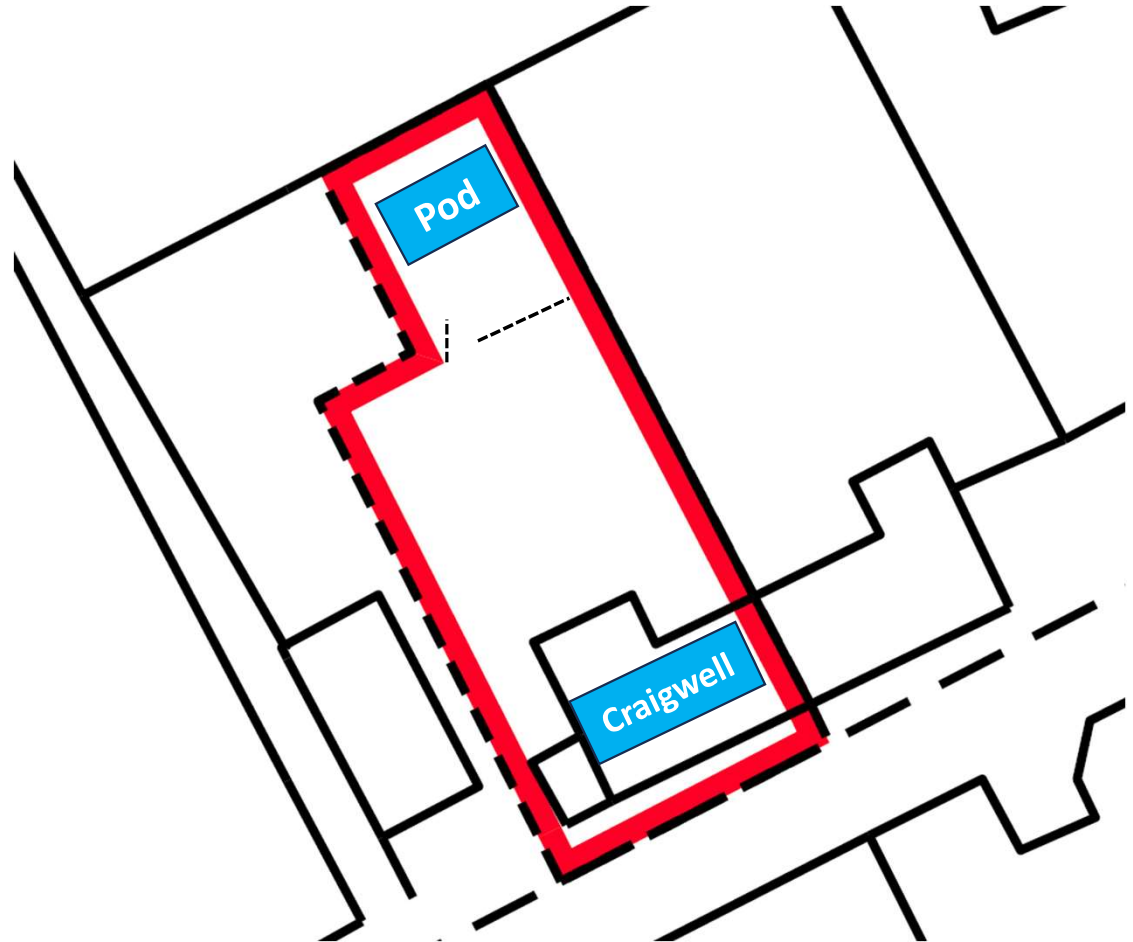
- Civic Government (Scotland) Act 1982
- The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022

APPENDICES:

Appendix 1: Site plan detailing extent of premises, together with floor plan



**Loch Ness Hideaway Pod
SITE PLAN
Craigwell
1 Lewiston
Drumnadrochit
IV63 6UW**



**Loch Ness Hideaway Pod
FLOOR PLAN**

Max Occupancy: 2

