

Agenda item	10.2
Report no	HLC/041/24

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 7 May 2024

Report title: Application for the grant of a short term let licence – School Hill Croft, School Brae, Dornoch, IV25 3PF (Ward 04 : East Sutherland and Edderton)

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 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:
- 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:
 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 August 2023 (date application was deemed valid) an application for the grant of a short term let licence was received from Mr Gareth Townend.
- 4.2 The Premises to which the application relates to is School Hill Croft, School Brae, Dornoch, IV25 3PF ("the Premises"). A site plan was provided by the applicant as part of the application process and is attached as an appendix to this report (**Appendix 1**). The Premises are those edged in red on the plan found on page 2 of Appendix 1.
- 4.3 The application for the short term let licence has been made on the basis that Mr Townend is the host/operator of the Premises and also the person responsible for the day-to-day management of the Premises. In addition, the said Mr Townend and a Mrs Joanna Clare Townend are named on the application as the owners 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 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 a detached dwellinghouse which can accommodate a maximum of 6 guests. The ground floor of the Premises comprises of a sitting room, bathroom, kitchen and ensuite bedroom. The first floor of the premises comprises of 2 bedrooms. A floor plan for the Premises was provided by the applicant as part of the application process and this can be found on page 3 of Appendix 1.

5. Process

- 5.1 The application was circulated to the following Agencies/Services for consultation:

- Police Scotland;
- Highland Council's Environmental Health Service;
- Highland Council's Building Standards; and
- Scottish Fire and Rescue Service.

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.

6. Public objections

6.1 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.

During the notice of display period, the following timeous objection was received and is attached as an Appendix to this report:

- Objection received by email on 20 February 2024 from Neil and Lorna Dalton
(Appendix 2)

7. Determining issues

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:

- (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
 - (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.

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:

[Licensing hearings procedures | Licensing hearings procedure \(Licensing Committee\) \(highland.gov.uk\)](https://www.highland.gov.uk/licensing-hearings-procedures)

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.

9. Implications

9.1 Not applicable.

Date: 16 April 2024
Author: Julie Traynor
Reference: [FS583967595](#)

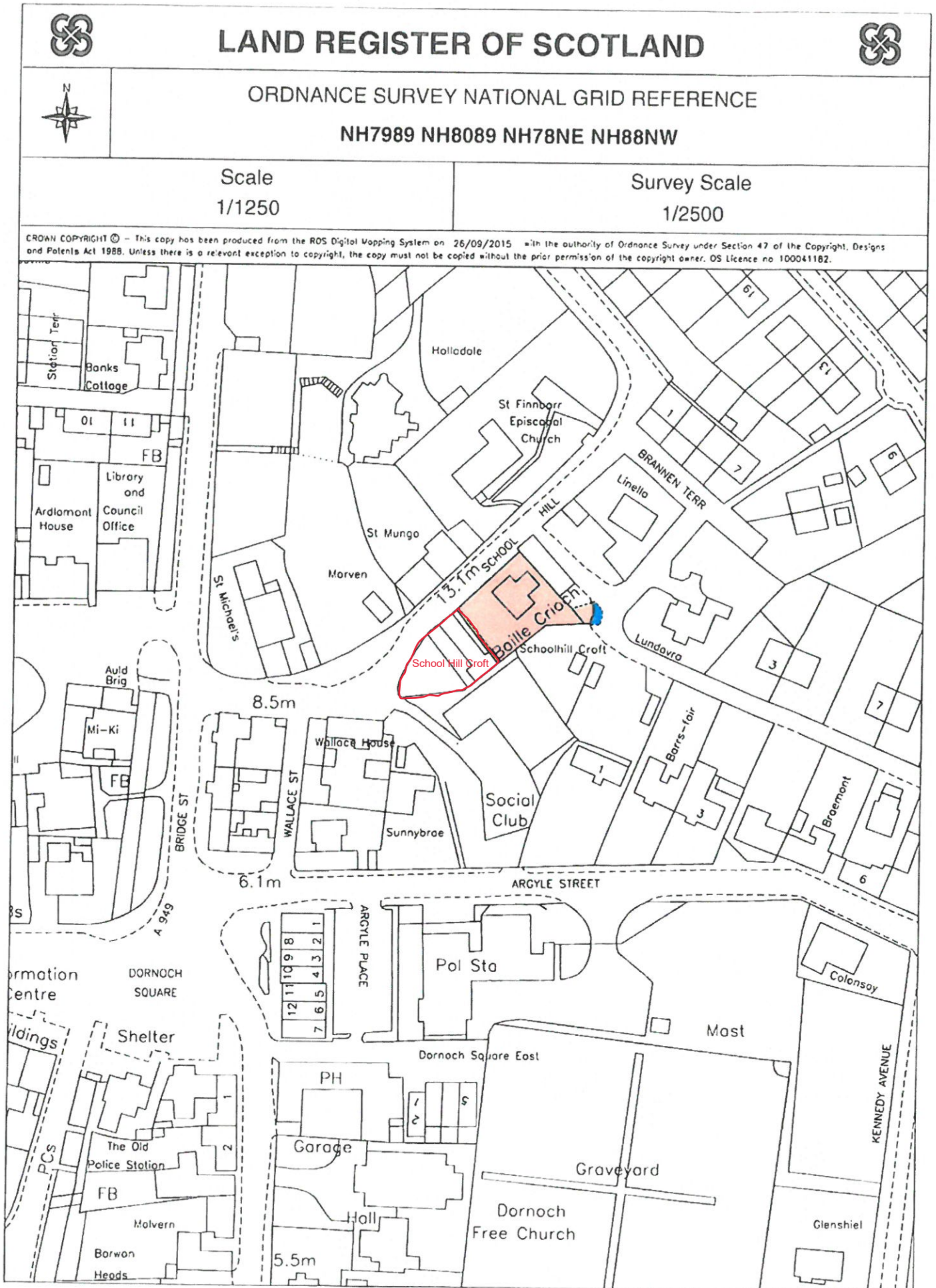
Background Papers:

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

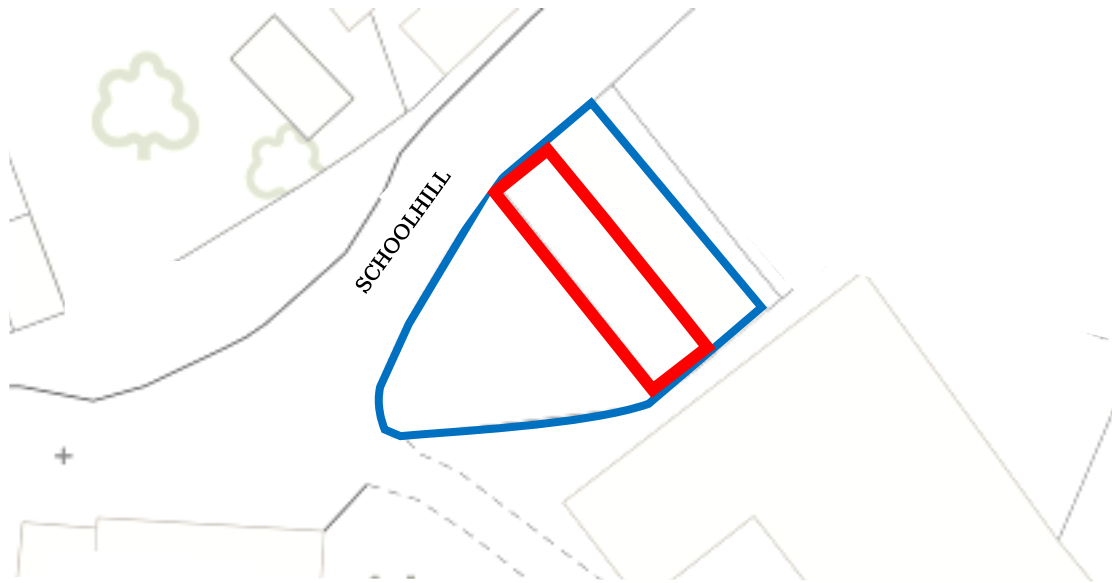
APPENDICES:



Appendix 1: Site plans, detailing the site boundary and extent of the Premises, and floor plan for the Premises;

Appendix 2: Objection received by email on 20 February 2024 from Neil and Lorna Dalton



SCHOOLHILL CROFT
SCHOOLHILL
DORNOCH
IV25 3PF



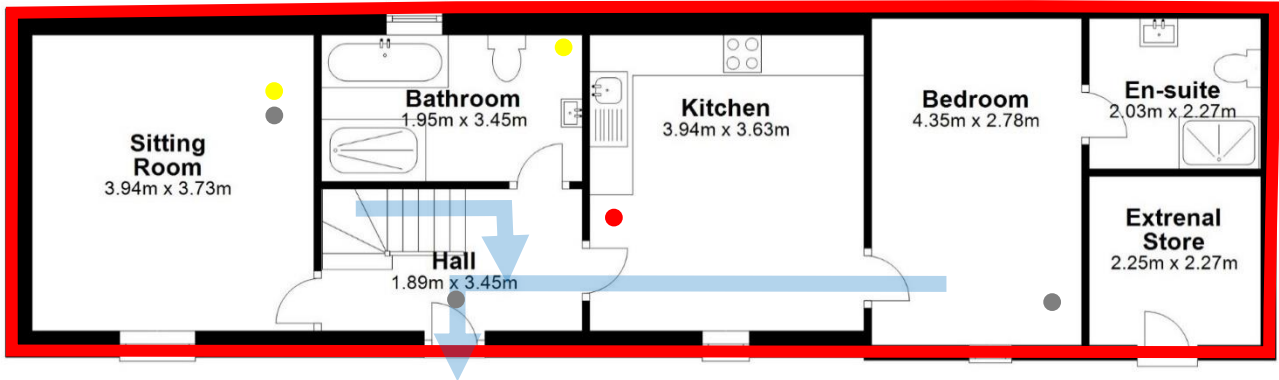
-  Site Boundary
-  Footprint of Short Term Let



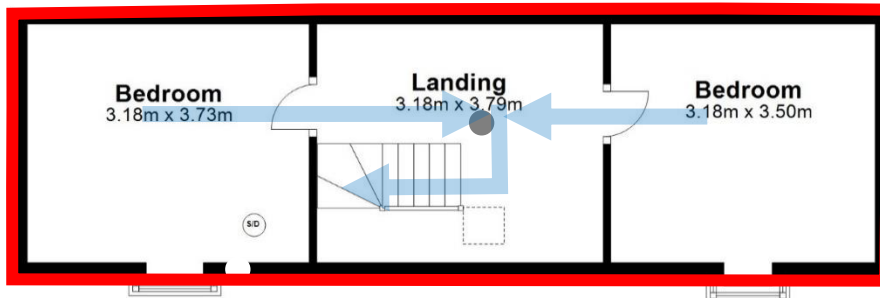
**SCHOOLHILL CROFT
SCHOOLHILL
DORNOCH
IV25 3PF**

- ➔ Fire Escape Route
- Smoke Detector
- Heat Detector
- Carbon Monoxide Detector

Ground Floor
Approx. 60.7 sq. metres



First Floor
Approx. 35.8 sq. metres

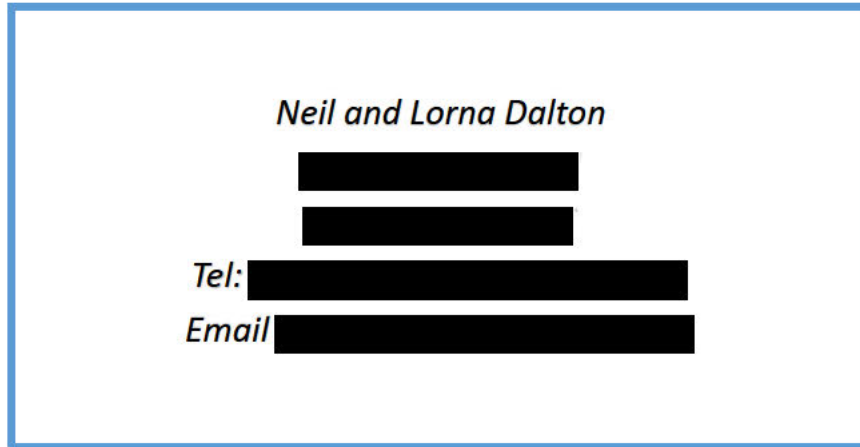


Floorplan is indicative only- not to scale
Plan produced using PlanUp.

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WHISHEPDALE
BIRICHEN
DORNOCH
SUTHERLAND
JANUARY 2024



SCALE 1:100



Gareth Townend



School Hill Croft
School Brae
Dornoch, IV25 3PF

Application for short term let licence at the above address.

Dear Sir or Madam

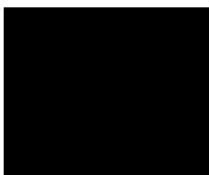
We would have to lodge an objection to the above application based upon its effect upon access to our address.

At School Hill Croft there is no provision for off road parking. Schoolhill is a narrow lane and frequently during renovation access to our property has been severely impaired leaving no access for use of our front door or access for use of the side gate at Morven. This has been due to the parking of vehicles on Schoolhill a problem that also frequently occurs when there are events held in Dornoch Social Club. We recently had to have an oil delivery to our property delayed due to the inappropriate parking on the other side of the road.

Due to my impaired mobility access to both these points is important.

If the parking problem at School Hill Croft can be resolved we would have no objection.

Yours faithfully



J N Dalton