

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 25 June 2024

Report title: Application for the grant of a short term let licence – 2A
Grove Terrace, Paton Street, Inverness, IV2 4SW (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 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

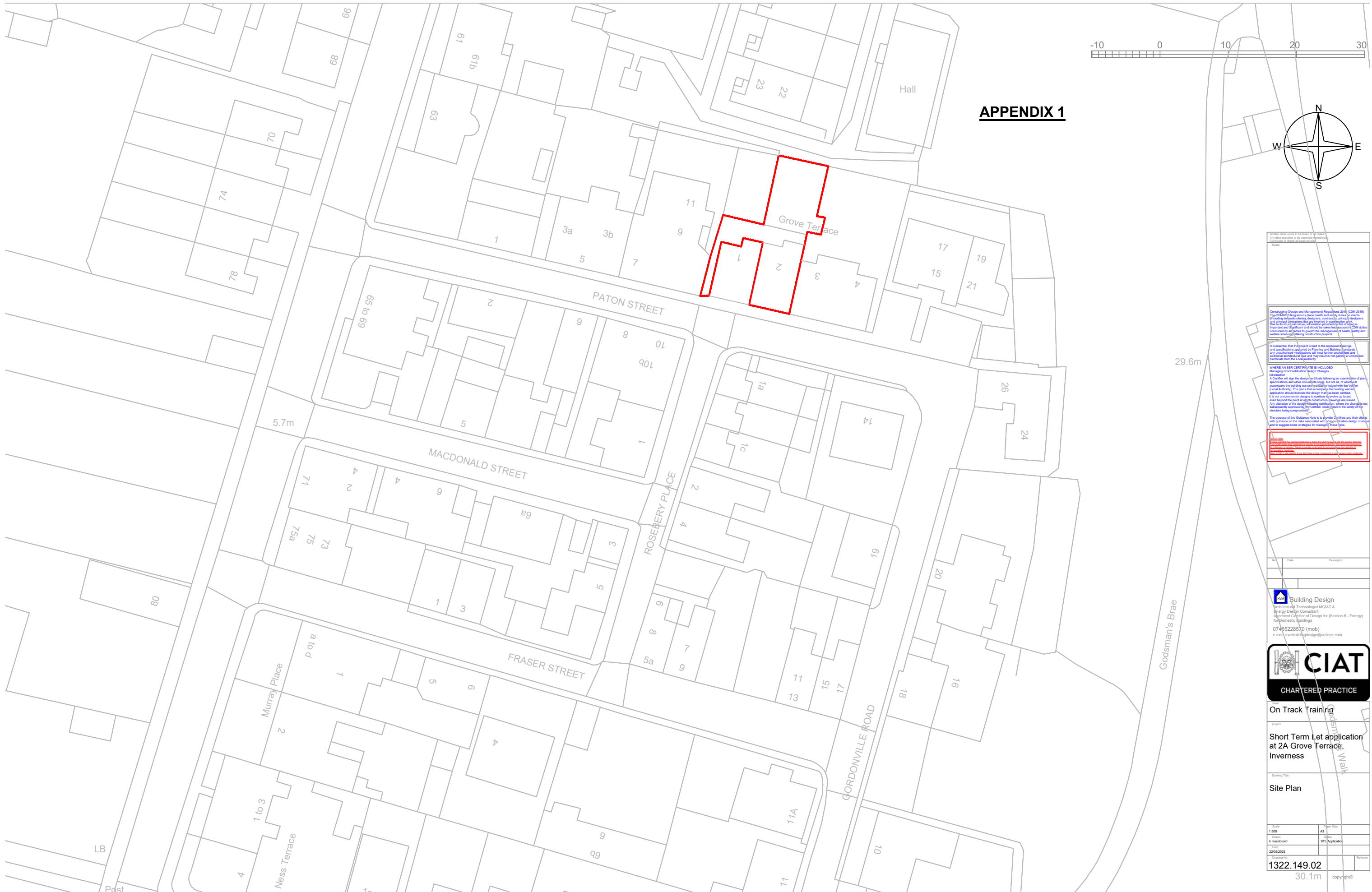
- 4.1 On 4 March 2024 (date application was deemed valid) an application for the grant of a short term let licence was received from Mr Kevin MacDonald, agent acting on behalf of On Track Training (Highland) Limited, a private limited company (Company number SC410383) and having their registered office at 3 Borlum Cottages, Borlum Farm, Drumnadrochit, Inverness-shire, IV63 6XN.
- 4.2 The property to which the application relates to is 2A Grove Terrace, Paton Street, Inverness, IV2 4SW ("the Premises"). A site plan was provided 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 page 1 of Appendix 1.
- 4.3 The application for the short term let licence has been made on the basis that the said On Track Training (Highland) 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 On Track Training (Highland) Limited are named on the application as the owner of the Premises. The persons named as being responsible for the day-to-day management of the Premises are Christopher Martin and Chrisann MacLeod.
- 4.5 The type of letting which has been applied for is 'secondary letting', which involves the letting of a property where the applicant does not normally live.
- 4.6 The Premises is described as an first floor flat with a communal entrance which offers accommodation for a maximum of 4 guests. The Premises comprises of a kitchen, lounge, bedroom and shower-room. A floor plan of the Premises was provided as part of the application process and these can be found on page 2 of Appendix 1.

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| 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’s Environmental Health Service; • Highland Council’s Building Standards. |
| 5.2 | Police Scotland, the Highland Council’s Environmental Health Service and Building Standards have all 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 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 | <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 licence.</p> <p>During the notice of display period, the following timeous objection was received and is attached as Appendix to this report:</p> <ul style="list-style-type: none"> • Objection received by email on 27 March 2024 from Jacqueline Cartwright (Appendix 2). |
| 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> <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, |

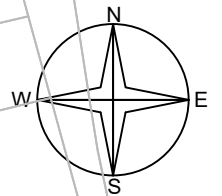
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| | <ul style="list-style-type: none"> (iii) the kind of persons likely to be in the premises, vehicle or vessel, (iv) the possibility of undue public nuisance, or (v) public order or public safety; or <p>(d) there is other good reason for refusing the application.</p> <p>If required, the Principal Solicitor – Regulatory Services will offer particular advice on the criteria relating to this particular application.</p> |
| 7.2 | <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> |

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| 8. | Policies |
| | <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 |
| 9.1 | Not applicable. |
| | <p>Date: 31 May 2024 Author: Julie Traynor Reference: FS586827000</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: Appendix 1: Site plan, detailing the site boundary, and floor plan; Appendix 2: Objection received by email on 27 March 2024 from Jacqueline Cartwright.</p> |



APPENDIX 1



Buildings shown to be listed or proposed.
Any discrepancies to be reported to the Council.
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Notes

Construction Design and Management Regulations 2015 (CDM 2015)
The CDM 2015 Regulations place health and safety duties on clients
and principal contractors that are involved in construction work.
It is the client's duty to ensure that the project is managed in a way that
is safe and sound and that the management of health, safety and
welfare is given the highest priority throughout the project.
It is essential that the project is built to the approved design
and that any variations are approved by the Building Design
and Professional Services Ltd. Any unauthorised variations will void the Certificate and
Professional Services Ltd. will not be responsible for any consequences.
Certificate from the Local Authority.

WHERE AN SER CERTIFICATE IS INCLUDED
Managing Professional Certificate (Design Change)
Introduction
A Certificate will sign the design certificate following an examination of plans
specifications and other documents submitted, but not all of which are
submitted to the building control authority. The plans that accompany the building control
application should be submitted to the building control authority (the Local
Authority). The plans that accompany the building control
application should be submitted to the building control authority (the Local
Authority). It is not uncommon for designs to continue to evolve up to and
even beyond the point of construction. Any changes to the design
submitted to the building control authority should be submitted to the building control
authority for their approval. The certificate is not valid if the design is
substantially different to that approved by the building control authority.
The purpose of this Guidance Note is to provide guidance and that comply
with guidance on the risks associated with design change. Design changes
should be managed in a way that minimises the risk of design change.

Building Design
Architectural Technologist MCAT &
Energy Design Consultant
Approved Chartered Engineer for (Section 6 - Energy)
for Domestic Buildings
07495228570 (mob)
e mail: k@buildingdesign@outlook.com

| No. | Date | Description |
|-----|------|-------------|
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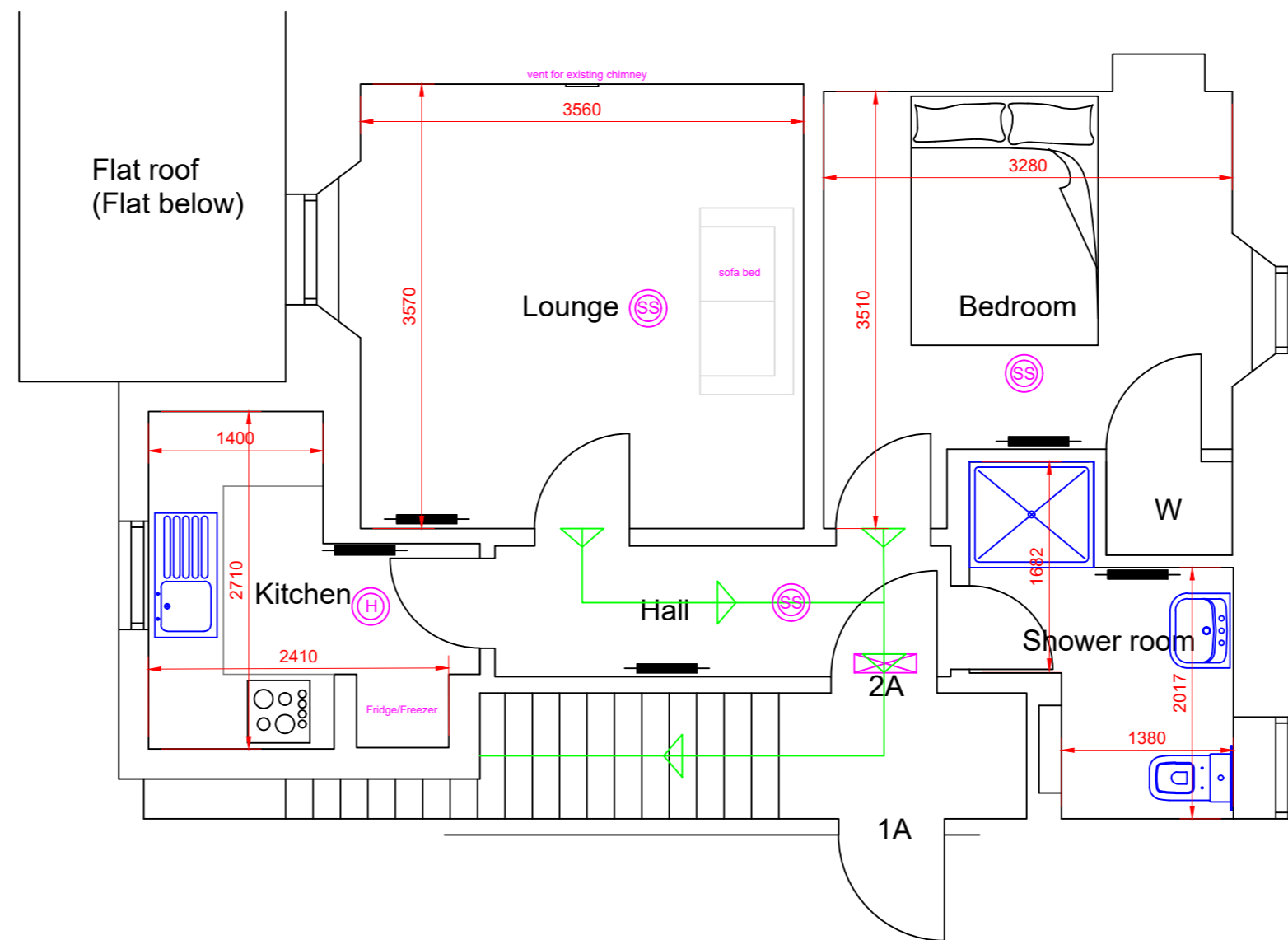
On Track Training

Short Term Let application
at 2A Grove Terrace,
Inverness

Site Plan






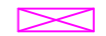
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| 1:500 | A3 |
| Drawn k macdonald | Check STL Application |
| 22/05/2023 | |
| 1322.149.02 | |

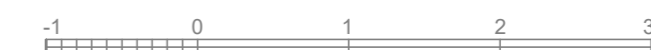
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4 Persons - Maximum occupancy

The property is not suitable for guests with mobility impairment.

-  Radiator - Electric heating
-  Smoke/Sounder
-  Heat
-  Fire blanket
-  Fire Escape route
-  Distribution / Fuse Board.



Written dimensions to be taken in all cases.
Any discrepancies to be reported immediately.
Contractor to check all sizes on site.

Notes:

Construction (Design and Management) Regulations 2015 (CDM 2015)
The CDM2015 Regulations place health and safety duties on clients (including domestic clients), designers, contractors, principal designers and principal contractors that are involved in construction work.
Due to its structural nature, information provided on this drawing is important and significant and should be taken into account in CDM duties conducted by all parties to govern the management of health, safety and welfare when undertaking construction projects.

It is essential that the project is built to the approved drawings and specifications approved by Planning and Building Standards any unauthorised modifications will incur further council fees and additional architectural fees and may result in not gaining a Completion Certificate from the Local Authority.

WHERE AN SER CERTIFICATE IS INCLUDED
Managing Post Certification Design Changes
Introduction
A Certifier will sign the design certificate following an examination of plans, specifications and other documents some, but not all, of which will accompany the building warrant application lodged with the Verifier (Local Authority). The plans that accompany the building warrant application should illustrate the design that has been certified.
It is not uncommon for designs to continue to evolve up to and even beyond the point at which construction drawings are issued. Any alteration of the design following certification, where the change is not subsequently approved by the Certifier, could result in the safety of the structure being compromised.

The purpose of this Guidance Note is to provide Certifiers and their clients with guidance on the risks associated with post-certification design changes and to suggest some strategies for managing these risks.

IMPORTANT
Please note that ALL Clients/Contractors to follow the CDM2015 with the Building Warrant. The CDM2015 Regulations place health and safety duties on clients (including domestic clients), designers, contractors, principal designers and principal contractors that are involved in construction work. Due to its structural nature, information provided on this drawing is important and significant and should be taken into account in CDM duties conducted by all parties to govern the management of health, safety and welfare when undertaking construction projects.

| Rev | Date | Description |
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A 15/02/2024 Dims added

 **Building Design**
Architectural Technologist MCIAT &
Energy Design Consultant
Approved Certifier of Design for (Section 6 - Energy)
for Domestic Buildings
07485228570 (mob)
e mail: kvmbuildingdesign@outlook.com



client: **On Track Training**

project: **Short Term Let Application at 2A Grove Terrace, Inverness IV2 4SW**

Drawing Title: **Floor plans**

| | |
|-------------------------|-------------------------|
| Scale: 1:50 | Paper Size: A2 |
| Drawn: k macdonald | Status: STL Application |
| Date: 2/06/2023 | |
| Drawing No: 1322.149.01 | Revision: A |

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[REDACTED]

From: Jacqueline Cartwright <[REDACTED]>
Sent: 27 March 2024 21:55
To: STL Licensing
Subject: Secondary letting of 2a grove terrace

Categories: [REDACTED]

CAUTION: This email was sent from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam,

I am writing as I am concerned about the noise level which will come from the people accommodating the flat at 2a Grove Terrace, Inverness, IV2 4SW.

I live in the flat below. While the renovations were happening I was seriously ill and was at home for a couple of months and could hear everything the builders were saying, their radio and all the work which was going on. I did go and speak to one of the builders, when I was able to walk, about the noise and suggested putting insulation under the floor but was told they were laying a click lock floor and would not be putting insulation under it as it was going to be an air bnb.

This is a quiet residential area and I have put everything I have into buying my home and just want to make sure I am going to be able to sleep at night in peace.

Kind regards

Jacqueline Cartwright

[REDACTED]