

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 25 June 2024

Report title: Application for the grant of a short term let licence – 5 Druid Temple Courtyard, Druid Temple Road, Inverness, IV2 6UZ (Ward 19 : Inverness South)

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 10 April 2024 (date application was deemed valid) an application for the grant of a short term let licence was received from Miss Jennifer Macleay.
- 4.2 The property to which the application relates to is 5 Druid Temple Courtyard, Druid Temple Road, Inverness, IV2 6UZ ("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 Miss Macleay 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 Miss Macleay is named on the application as the owner of the Premises and the person responsible for the day-to-day management of the Premises.
- 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 a ground floor flat with a private entrance which offers accommodation for a maximum of 4 guests. The Premises comprises of 2 bedrooms (1 ensuite), kitchen, living/dining room and a bathroom. The premises also has a private rear garden. 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. The footprint of the Premises is edged with a dashed red line on such floor plan.

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| 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'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. |

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| 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. |
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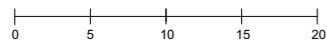
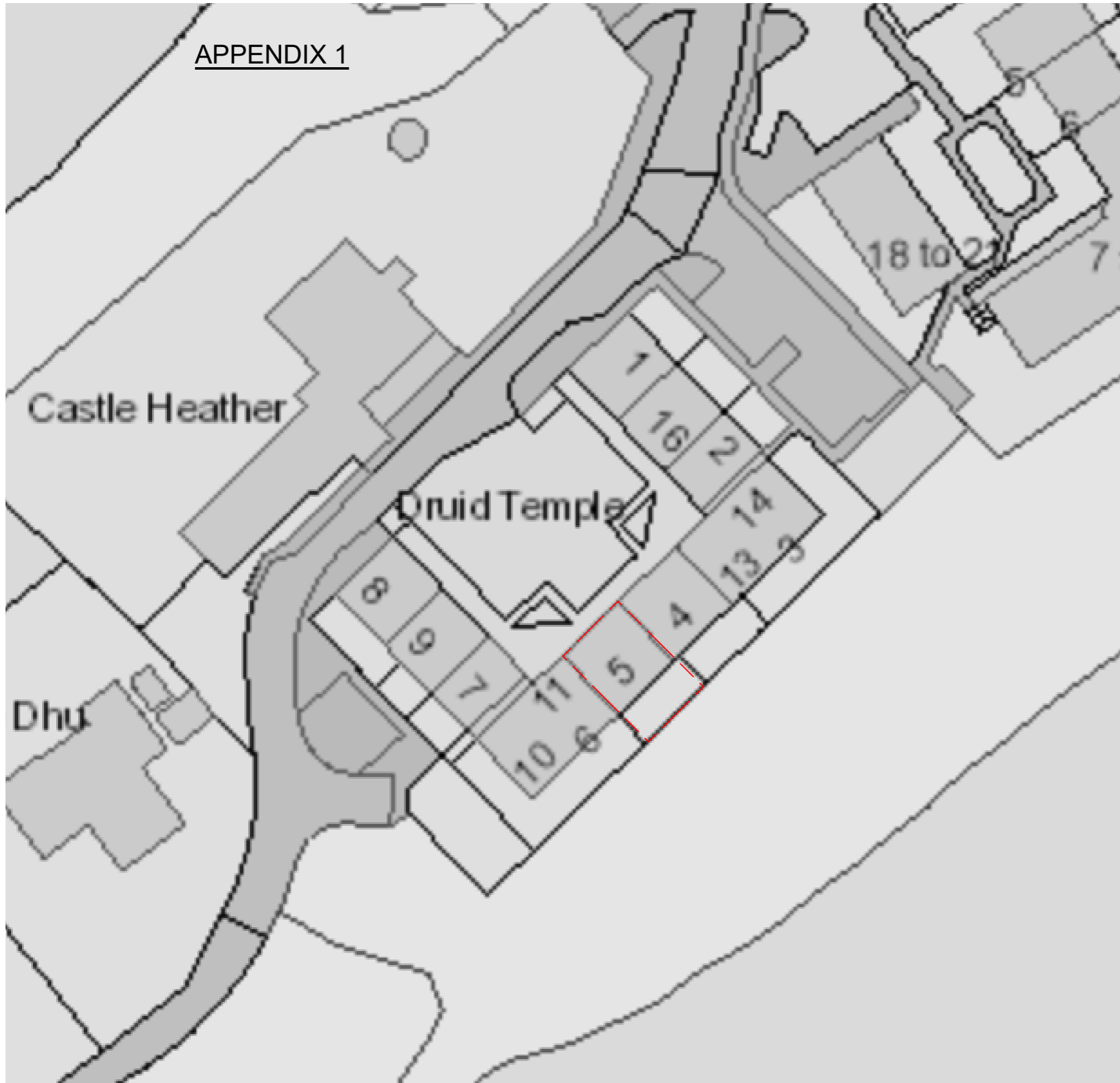
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| 5.4 | In addition, the applicant has provided a certificate of compliance confirming that a public notice of application for their short term let licence was displayed at or near the Premises for a period of 21 days. |
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| 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.</p> <p>During the notice of display period, the following 12 timeous objections were received and are attached as Appendices to this report:</p> <ul style="list-style-type: none"> • Objection dated 23 April 2024 received by email on 26 April 2024 from Alina Holzhausen and Corinne McElhinney (Appendix 2); • Objection dated 23 April 2024 received by email on 26 April 2024 from James and Catherine Mackintosh (Appendix 3); • Objection dated 24 April 2024 received by email on 26 April 2024 from Joanne Stewart and Declan Ramsay (Appendix 4); • Objection dated 24 April 2024 received by email on 26 April 2024 from Stefan MacRitchie and Gillian Elliot (Appendix 5); • Objection dated 25 April 2024 received by email on 26 April 2024 from Ms Eileen MacKenzie (Appendix 6); • Objection dated 25 April 2024 received by email on 26 April 2024 from Michael and Helen Davidson (Appendix 7); • Objection dated 25 April 2024 received by email on 26 April 2024 from Mr Michael Cawley (Appendix 8); • Objection dated 26 April 2024 received by email on 26 April 2024 from Caoinhe Simpson (Appendix 9); • Objection dated 26 April 2024 received by email on 26 April 2024 from Mr Bruce K Graham (Appendix 10); • Objection dated 26 April 2024 received by email on 26 April 2024 from Mrs Ishbel Clarkson (Appendix 11); • Objection dated 26 April 2024 received by email on 26 April 2024 from Mr Jamie Black (Appendix 12); • Objection dated 26 April 2024 received by email on 26 April 2024 from Ms Janet Webb (Appendix 13). |

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| 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, (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> |
| 7.2 | <p>A copy of this report has been sent to the applicant and the objectors 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>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:</p> <p>Licensing hearings procedures Licensing hearings procedure (Licensing Committee) (highland.gov.uk)</p> |
| 8. | <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> |

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| 9. | Implications |
| 9.1 | Not applicable. |
| <p>Date: 31 May 2024 Author: Julie Traynor Reference: FS598108223</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 the site boundary, and floor plan;</p> <p>Appendix 2: Objection dated 23 April 2024 received by email on 26 April 2024 from Alina Holzhausen and Corinne McElhinney;</p> <p>Appendix 3: Objection dated 23 April 2024 received by email on 26 April 2024 from James and Catherine Mackintosh;</p> <p>Appendix 4: Objection dated 24 April 2024 received by email on 26 April 2024 from Joanne Stewart and Declan Ramsay;</p> <p>Appendix 5: Objection dated 24 April 2024 received by email on 26 April 2024 from Stefan MacRitchie and Gillian Elliot;</p> <p>Appendix 6: Objection dated 25 April 2024 received by email on 26 April 2024 from Ms Eileen MacKenzie;</p> <p>Appendix 7: Objection dated 25 April 2024 received by email on 26 April 2024 from Michael and Helen Davidson;</p> <p>Appendix 8: Objection dated 25 April 2024 received by email on 26 April 2024 from Mr Michael Cawley;</p> <p>Appendix 9: Objection dated 26 April 2024 received by email on 26 April 2024 from Caoinhe Simpson;</p> <p>Appendix 10: Objection dated 26 April 2024 received by email on 26 April 2024 from Mr Bruce K Graham;</p> <p>Appendix 11: Objection dated 26 April 2024 received by email on 26 April 2024 from Mrs Ishbel Clarkson;</p> <p>Appendix 12: Objection dated 26 April 2024 received by email on 26 April 2024 from Mr Jamie Black;</p> <p>Appendix 13: Objection dated 26 April 2024 received by email on 26 April 2024 from Ms Janet Webb.</p> | |

APPENDIX 1



THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATION, REPORT AND DRAWINGS. DO NOT SCALE DRAWINGS. VERIFY ALL DIMENSIONS ON SITE BEFORE CONSTRUCTION. COPYRIGHT OF THIS DRAWING IS VESTED IN LEVENS STUDIO.


 EXTENTS OF PROPERTY

NOTE:
GROUND FLOOR FLAT WITH 4
PEOPLE MAX OCCUPANCY
CAPACITY IN PROPERTY

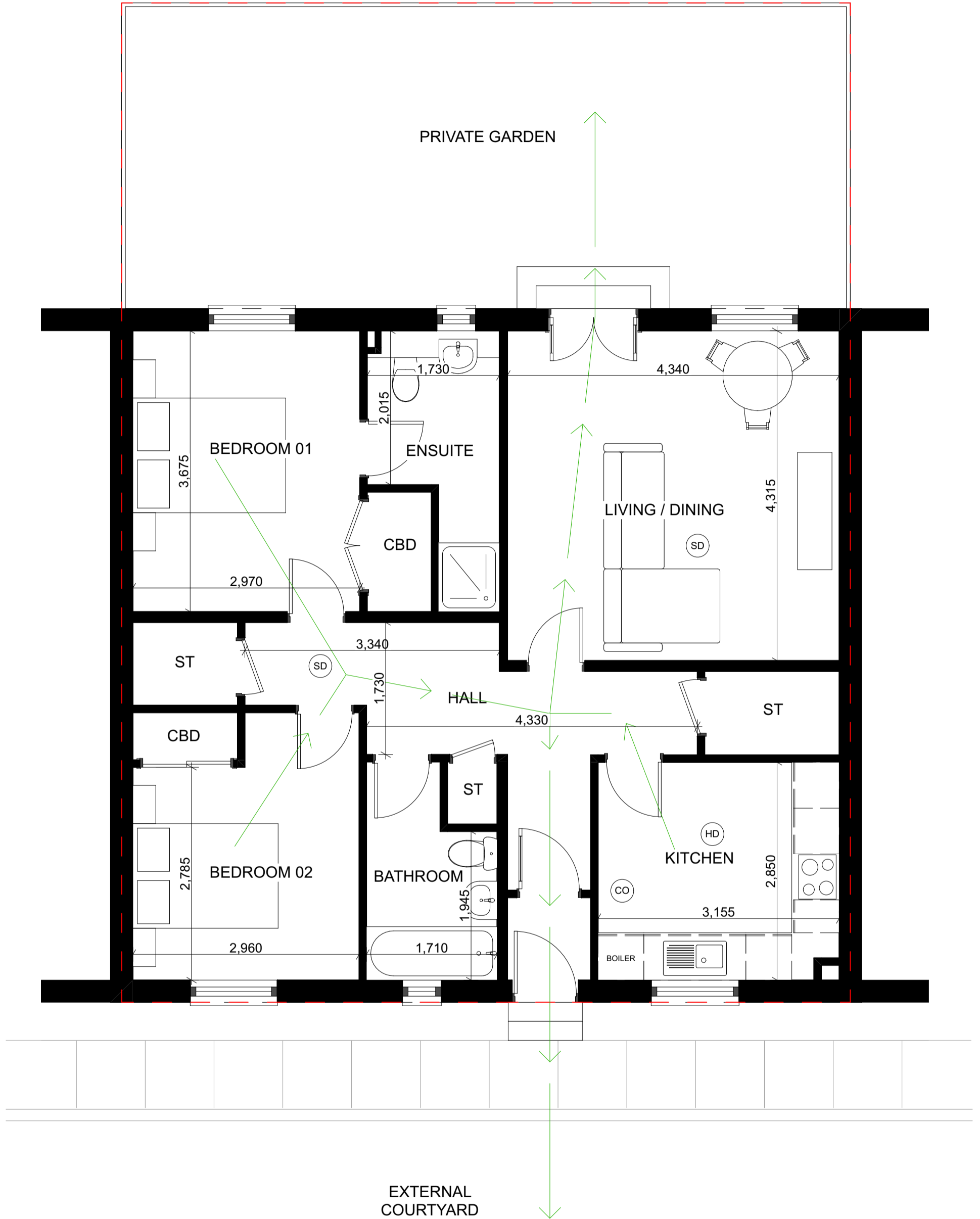
| REV | DATE | ISSUE |
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| - | 30.12.23 | APPLICATION SUBMISSION |

| REV | DATE | ISSUE |
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| PROJECT | | | |
|---------------------------------|------------|-------|----------|
| 5 Druid Temple Courtyard | | | |
| Miss J Macleay | | | |
| PROJECT NO | PLOT DATE | DRAWN | VERIFIED |
| 23_001 | 30/12/2023 | JM | JM |

| STATUS | | |
|-------------------------------------|------------|---|
| Short-term Lets License Application | | |
| SHEET SCALE | SHEET SIZE | NORTH |
| 1:500 | A3 |  |

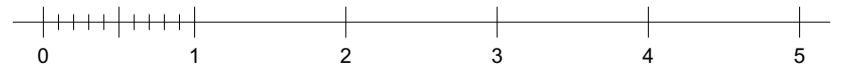
| DRAWING TITLE | |
|----------------------|----------|
| LOCATION PLAN | |
| DRAWING NUMBER | REVISION |
| GA-001 | |



ELECTRICAL LEGEND

- SD SMOKE DETECTOR & ALARM
- HD HEAT DETECTOR & ALARM
- CO CARBON MONOXIDE DETECTOR & ALARM

NOTE:
GROUND FLOOR FLAT WITH 4
PEOPLE MAX OCCUPANCY
CAPACITY IN PROPERTY



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| REV | DATE | ISSUE |
|-----|----------|------------------------|
| - | 30.12.23 | APPLICATION SUBMISSION |

PROJECT
5 Druid Temple Courtyard
Miss J Macleay

STATUS
Short-term Lets License Application

DRAWING TITLE
GROUND FLOOR PLAN

- EXTENTS OF PROPERTY
- FIRE ESCAPE ROUTES

| PROJECT NO | PLOT DATE | DRAWN | VERIFIED |
|------------|------------|-------|----------|
| 23_001 | 30/12/2023 | JM | JM |

| SHEET SCALE | SHEET SIZE | NORTH |
|-------------|------------|-------|
| 1:50 | A3 | |

| DRAWING NUMBER | REVISION |
|----------------|----------|
| GA-100 | |

Appendix 2

Alina Holzhausen & Corinne McElhinney

The Highland Council
Charles Kennedy Building
Achintore Road
Fortwilliam, PH33 7RQ

email – stl@highland.gov.uk

Dear Sirs,

Secondary Letting Application

Applicants address

**Jennifer Macleay
29 (3F2) Eyre Crescent
Edinburgh, EH3 5EU IV2 6UZ**

Address of property to be licensed

**Jennifer Macleay
5 Druid Temple Courtyard
Inverness, IV2 6UZ**

I write to object to the above application for "Secondary Letting" at 5 Druid Temple Courtyard.

We are a relatively small development of 16 apartments with an age group varying from toddlers to the very elderly. We have in the past experienced various issues from "Secondary Letting Guests" and don't wish to compound this by adding more properties within our small development.

I therefore object to this application on the following basis.

Overprovision in general within the City and increasing the number currently doing "Secondary Lettings" within Druid Temple Courtyard itself.

The application in principal goes against HC development plan within residential areas.

Noise and nuisance, the courtyard is a mix of residents, with toddlers and the elderly being prominent - no vetting control of visitors / nor greeting visitors on arrival.

Parking Issues - The parking arrangements at the Courtyard do not allow or accommodate large vehicles, vans, trucks. The parking bays are not designed for this. Adding more secondary lettings in the Courtyard will only compound the ongoing issues.

Welfare and safety of residents living in the Courtyard, especially the elderly and the very young / vulnerable.

No control over Anti social behavior from Secondary Letting Guest, as experienced in the past where Police were called out to stop a fight and the letting manager was nowhere to be seen.

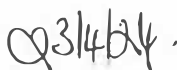
Refuse / Recycling and their lack of concern when using "communal bins".

Day to Day Manager is not local and resides in Edinburgh.

"Giving local residents a say" as per the Highland Council Development plan, then I trust all our objections (over 90%) to this application are listened to.

Yours faithfully


Alina Holzhausen & Corinne McElhinney



Appendix 3

James & Catherine Mackintosh

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23/4/24

James & Catherine Mackintosh

Appendix 4

Joanne Stewart & Declan Ramsay

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Joanne Stewart & Declan Ramsay

24/10/16

Appendix 5

Stefan MacRitchie & Gillian Elliot

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24/6/24.

Stefan MacRitchie & Gillian Elliot

Appendix 6

Ms Eileen MacKenzie

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25/4/24.

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Appendix 7

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25/4/24.

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Appendix 8

Mr Michael Cawley

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25/04/24

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26-4-24

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Overprovision in general within the City and increasing the number currently doing "Secondary Lettings" within Druid Temple Courtyard itself.

The application in principal goes against HC development plan within residential areas.

Noise and nuisance, the courtyard is a mix of residents, with toddlers and the elderly being prominent - no vetting control of visitors / nor greeting visitors on arrival.

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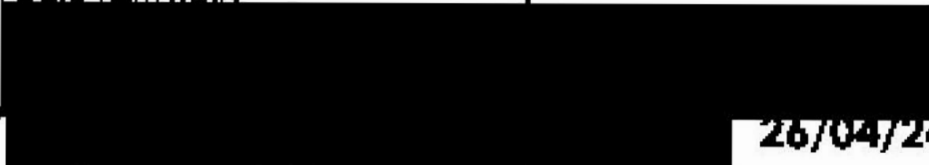
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Day to Day Manager is not local and resides in Edinburgh.

"Giving local residents a say" as per the Highland Council Development plan, then I trust all our objections (over 90%) to this application are listened to.

Yours faithfully



26/04/24

Mr Bruce K Graham

Mrs Ishbel Clarkson

The Highland Council
Charles Kennedy Building
Achintore Road
Fortwilliam, PH33 7RQ

email - stf@highland.gov.uk

Dear Sirs,

Secondary Letting Application

Applicants address

Jennifer Macleay
29 (3F2) Eyre Crescent
Edinburgh, EH3 5EUV2 6UZ

Address of property to be licensed

Jennifer Macleay
5 Druid Temple Courtyard
Inverness, IV2 6UZ

I write to object to the above application for "Secondary Letting" at 5 Druid Temple Courtyard.

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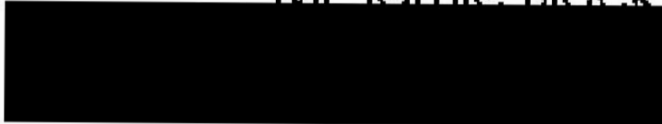
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ON BEHALF OF
Ishbel Clarkson.

Mrs Ishbel Clarkson

26/04/24

Mr. Jamie Black



The Highland Council
Charles Kennedy Building
Achintore Road
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ON BEHALF OF
JAMIE BLACK

Mr Jamie Black

26/04/24

Ms Janet Webb

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Charles Kennedy Building
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JANET WEBB.

Ms Janet Webb

26/04/24