

Agenda item	9.3
Report no	HLC/77/24

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 6 August 2024

Report title: Application for the grant of a short term let licence – 20 Reay Street, Inverness, IV2 3AL (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 25 May 2024 (date application was deemed valid) an application for the grant of a short term let licence was received from Ms Tracy Angela Smith.
- 4.2 The property to which the application relates to is 20 Reay Street, Inverness, IV2 3AL ("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 shaded in blue on the plans on page 1 of Appendix 1.
- 4.3 The application for the short term let licence has been made on the basis that Ms Smith 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 Ms Smith is named on the application as the owner of the Premises and as 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 flat which offers accommodation for a maximum of 2 guests. The premises comprises of a bedroom, kitchen, living-room, bathroom, hallway and laundry room. 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:
- Police Scotland;
 - Highland Council's Environmental Health Service; and
 - Highland Council's Building Standards.
- 5.2 All of the above Agencies/Services have 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 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.

During the notice of display period, the following two timeous objections were received and are attached as Appendices to this report:

- Objection received by email on 31 May 2024 from Craig Kerr (**Appendix 2**);
- Objection received by email on 21 June 2024 from Alan Jones (**Appendix 3**).

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 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.

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

9. Implications

9.1 Not applicable.

Date: 15 July 2024
Author: Julie Traynor
Reference: [FS616583109](#)

Background Papers:



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

APPENDICES:

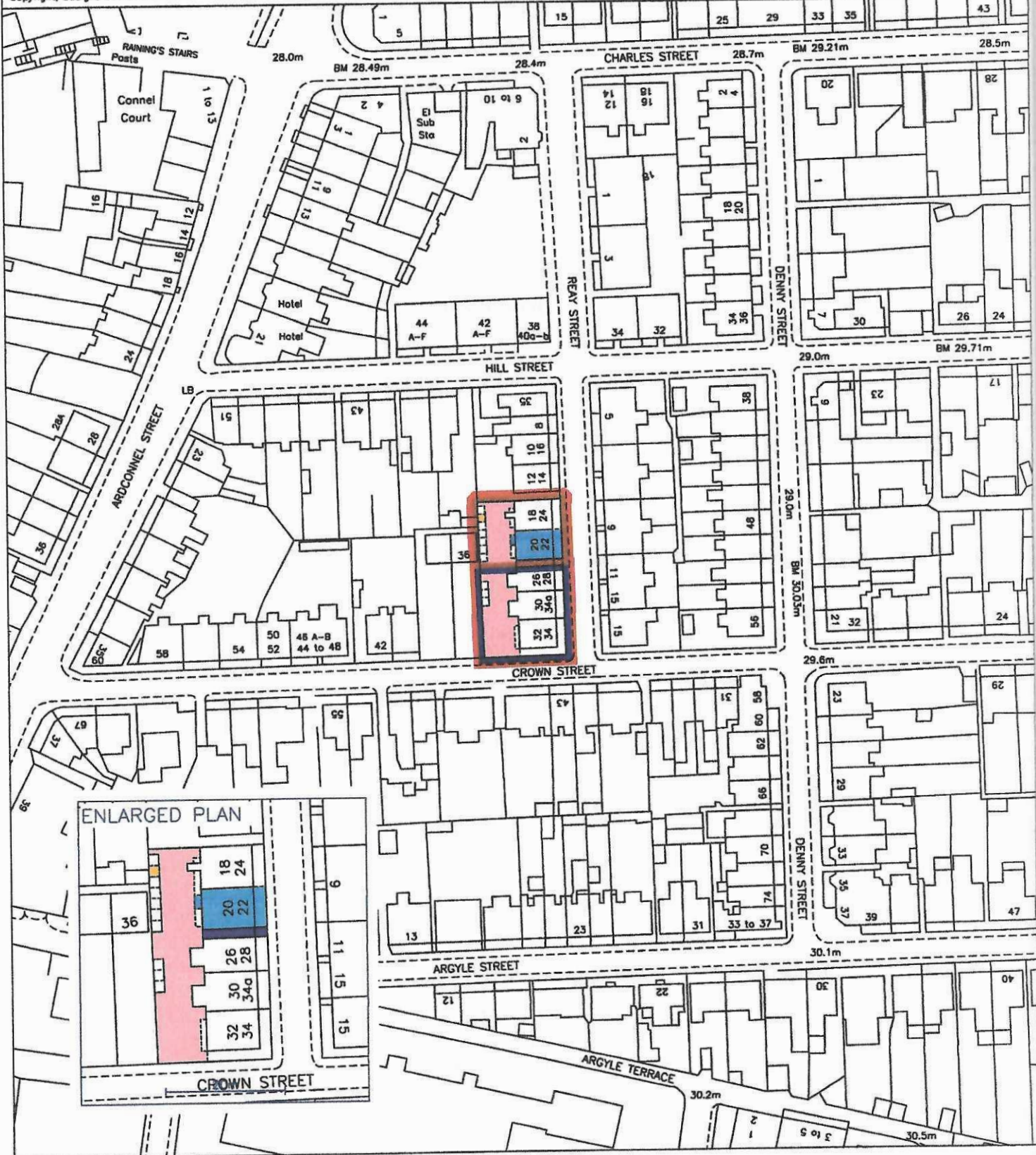
Appendix 1: Site plan, detailing the site boundary and extent of the Premises, and floor plan;

Appendix 2: Objection received by email on 31 May 2024 from Craig Kerr;

Appendix 3: Objection received by email on 21 June 2024 from Alan Jones.

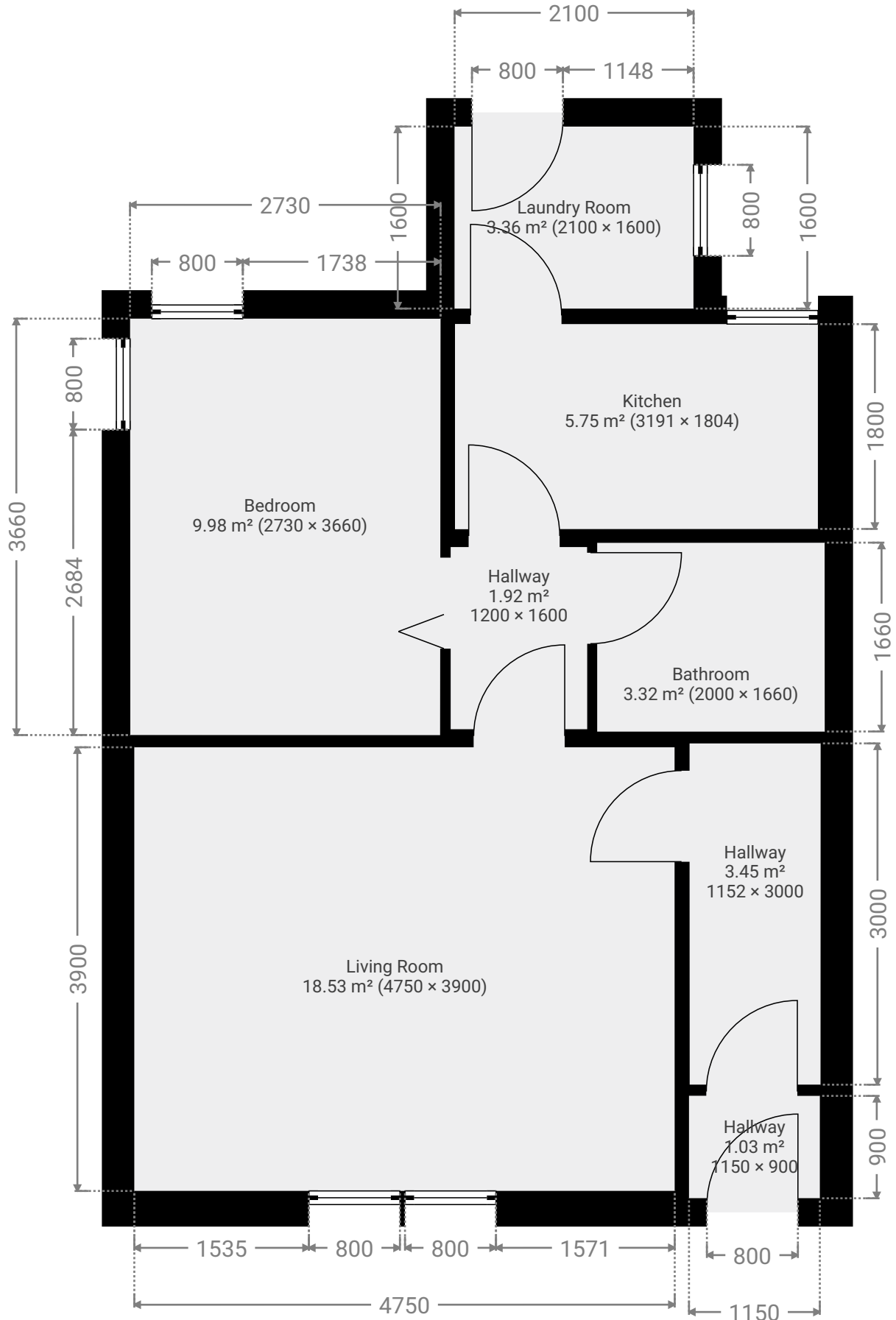
 LAND REGISTER OF SCOTLAND	Officer's ID / Date	TITLE NUMBER
	3940 25/10/2006	INV16795
 ORDNANCE SURVEY NATIONAL GRID REFERENCE	Scale	
	1/1250	
NH6644NE NH6645SE	Survey Scale	
	1/1250	

CROWN COPYRIGHT © - This copy has been produced from the ROS Digital Mapping System on 25/10/2006 and was made with the authority of Ordnance Survey pursuant to Section 47 of the Copyright, Designs and Patents Act 1988. Unless that act provides a relevant exception to copyright, the copy must not be copied without the prior permission of the copyright owner.



▼ Ground Floor

TOTAL AREA: 47.31 m² • LIVING AREA: 47.31 m² • ROOMS: 8



Appendix 2

From: [REDACTED]
To: [STL Licensing](#)
Subject: Objection 20 Reay Street Inverness
Date: 31 May 2024 16:35:52
Attachments: [image.png](#)

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.

Objection 20 Reay Street Inverness

Please accept this email as written representation of an objection to the property above being granted a short term letting licence.

I object on the grounds that this property is below a property that I own, 22 Reay Street, Inverness, IV2 3AL, that is occupied by a long term tenant. The flat is one of four in the block, bottom left, the 3 other properties currently house long term tenants with shared communal amenities to the rear. Number 20 has both a front and rear door, the rear door has the stairs to our flat above.

I object on the grounds that this will increase the noise from the downstairs property, the flat is in the city center of Inverness.

Having lived in 22 Reay street until 3 years ago we were regularly disturbed by other Airbnb properties in the street by groups of visitors that really don't care about those that live around them as they are passing through. In the blocks adjacent to our property and across from our property there are still regular issues. Loud music, noise, smoking below windows.

Our tenant [REDACTED] made us aware of this notice. We went to look at this and feel that it was in a discreet place, in the pathway to the front of the property and in our opinion could very easily have been missed by those that live around this flat. He has been unfortunate enough to have lived above an Airbnb previously and was regularly disturbed by the transient nature of those that visit and has raised his concerns with us.

Permit parking is required for this area of Crown, and whilst I appreciate that a long term tenant could require parking too the use of a visitors permit for this type of property should be deemed inappropriate due to the lack of knowledge of how these work and the lack of parking on Reay Street itself.

We are all aware of the housing crisis that is currently being faced in the Highlands and Islands, with a reduction in properties being available for long term rent increasing, this is why my property is rented long term with a reasonable rent. My tenant has been in the property for three years and has informed me that he does not want to leave, an Airbnb below could change this decision which would have an impact on my own circumstances.

If you require any further information from me please do get in touch.



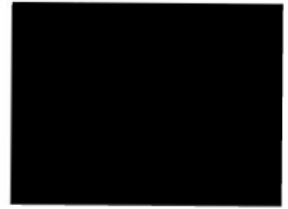
Craig Kerr

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Friday June 21st 2024

Dear Sir or Madam

Re: Short-term-letting application, 20, Reay Street, Inverness
IV2 3AL

I am writing to register my objection to this application, made by Ms Tracy Angela Smith of [REDACTED]

[REDACTED]. My three objections are as follows.

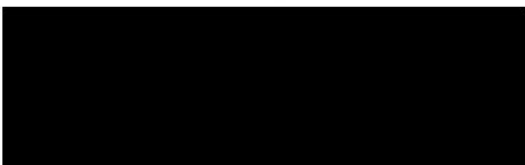
- 1) As a general principle, I think that Highland Council should reject applications to use properties for short-term letting unless there is a compelling reason otherwise. The lack of properties available for residential lets, both in Inverness itself and across the Highlands, has been highlighted for many months in the local news. Given the current housing crisis, perpetuating short-term lets, with their negative impact on the availability of longer-term residential lets, is unjustifiable. Furthermore, the lack of available residential rental property is a disincentive to people moving into the area to take up work opportunities here, with an obvious detrimental effect on the local economy and services.
- 2) Short-term lets can have a detrimental impact on the appearance of a neighbourhood. I base this on my own observations in the Hill/Crown area of Inverness, and on the experience of a friend of mine who lives next door to a short-term let property in Dalneigh. Often, the transient occupants of these properties seem either to fail to understand, or to disregard, the Council's system of refuse collection (if, indeed, the owner of the property has actually

provided any information on this). The result of this is that bins can be filled with the wrong kinds of material, with the knock-on effect that they are not emptied by the Council's staff on the refuse/recycling collection day and are left on the street – often overflowing and a target for scavenging gulls – thus being at best an eyesore and at worst a health hazard. This has never been a problem on Reay Street (which I walk along several times every day), but adding a short-term letting property on the street would increase the risk of this becoming one.

- 3) My third objection is very specific to the nature of Reay Street itself. In the eleven years that I have lived here on Hill Street, I have observed that there is a real community spirit on Reay Street (at least on the side which I can see from my back garden, the side which includes no. 20). Throughout the summer, neighbours gather in one another's yards or gardens, for parties or simply to socialise - in a friendly way, never causing excessive noise or resulting in trouble. To place a short-term let property, with its anonymous and shifting occupants, in this block would not add to this community feel; whereas, if the property were to be available for a longer-term, residential let, it would offer new tenants an opportunity to be welcomed into their neighbourhood and to be made to feel "at home".

I hope you will give due regard to these objections when you consider Ms Smith's application.

Yours sincerely



Alan Jones