

	Agenda item	<b>3.3</b>
	Report no	<b>HLC/112/24</b>

## **THE HIGHLAND COUNCIL**

**Committee:** **THE HIGHLAND LICENSING COMMITTEE**

**Date:** **10 October 2024**

**Report title:** **Application for the grant of a short term let licence 40 Great Glen Place, Inverness, IV3 8FA (Ward 13 – Inverness West)**

**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 21 May 2024 a validated application for the grant of a short term let licence was received from Mr Kevin MacDonald, agent acting on behalf of On Track Training Limited (Company number SC410383) who have their registered office at 3 Borlum Cottages, Borlum Farm, Drunmadrochit, IV63 6XN.
- 4.2 The property to which the application relates is 40 Great Glen Place, Inverness, IV3 8FA (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 a flat which forms part of the property edged in red on the plan on page 1 of Appendix 1.
- 4.3 The application for the short term let licence has been made on the basis that On Track Training 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 Limited are named on the application as the owner of the Premises.
- 4.5 The persons named on the application as being responsible for the day-to-day management of the Premises are Christopher Martin and Chrisann Macleod.
- 4.6 The type of letting which has been applied for is 'secondary letting', which means the host/operator is letting a property where they do not normally live.

4.7 The Premises is described as a flat with a communal entrance which can accommodate a maximum capacity of 4 guests. The premises comprises of 2 bedrooms, an open plan kitchen/living room and a bathroom. Floor plans of the Premises were provided by the applicant as part of the application process, and these 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 Police Scotland, the Highland Council's Environmental Health Service and the Highland Council's Building Standards have all 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.

## 6. Certificate of Compliance

6.1 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.

## 7. Public objections

7.1 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 timeous objection was received and is attached as an Appendix to this report:

- Objection received by email on 2 June 2024 from Matthew Lennox (**Appendix 2**).

## 8. Determining issues

8.1 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, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either:
  - i. for the time being disqualified under section 7(6) of the Civic Government (Scotland) Act 1982, or;
  - ii. is not a fit and proper person to be the holder of the licence.

- b) The activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such licence if he made the application himself;
- 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 the 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
  - (iv) 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.

- 8.2 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.
- 8.3 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:

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

## **9. Observations on objections/representations**

- 9.1 In the letter of objection found at Appendix 2, points have been made which should not be taken into account by the Committee when determining this licence application, as they are outwith the scope of the grounds that a licensing authority can consider in terms of the refusal of an application to grant or renew a licence, as detailed at point 8.1 of this Report.
- 9.2 If required, the Principal Solicitor – Regulatory Services will offer further advice or clarification on these points.

## 10. 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.

## 11. Implications

11.1 Not applicable.

Date: 24 September 2024

Author: Julie Traynor

Reference: [FS615561134](#)

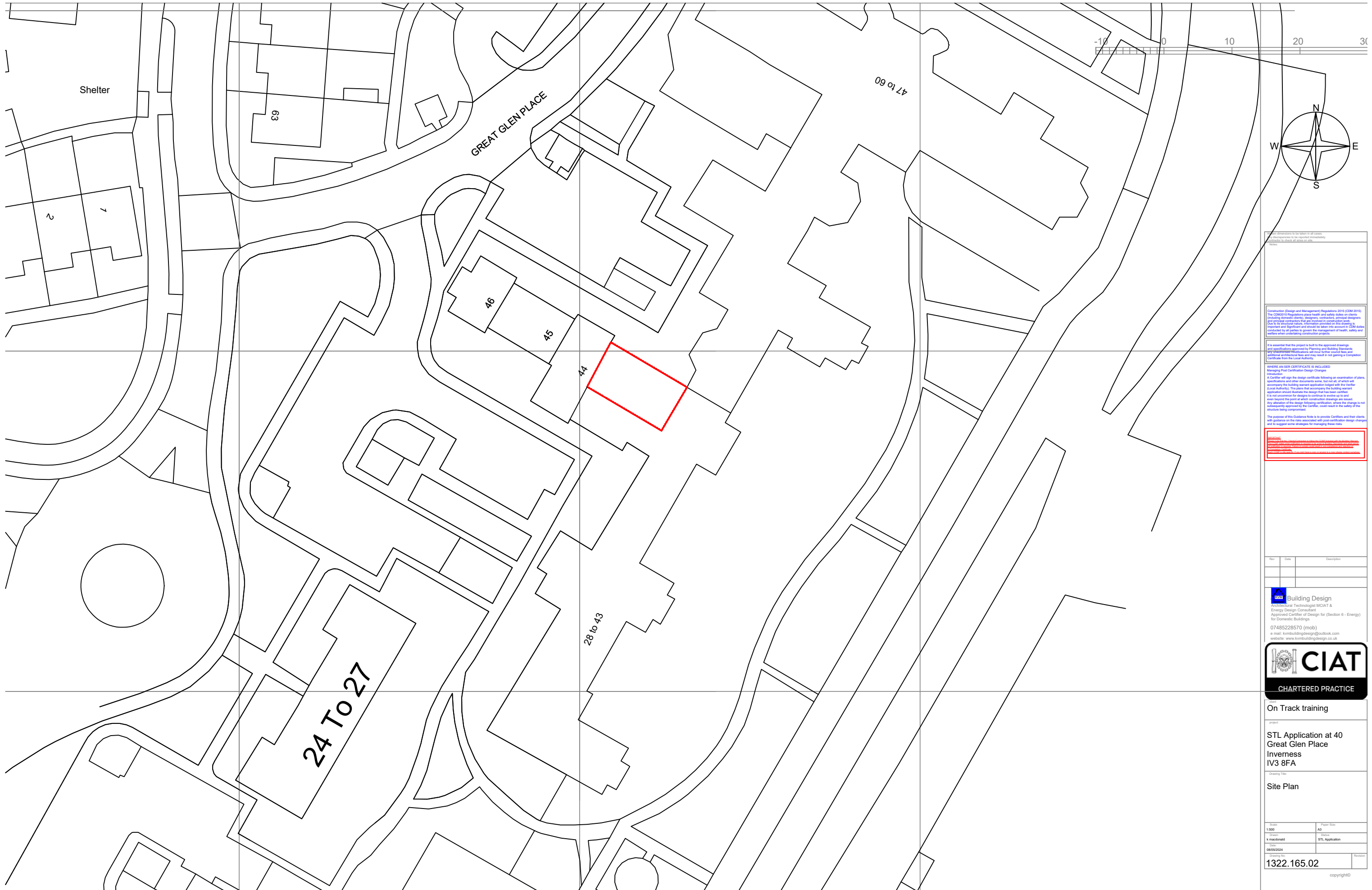
Background Papers:

- 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 extent of the Premises and floor plans for the Premises;

Appendix 2: Objection received by email on 2 June 2024 from Matthew Lennox.



Construction (Design and Management) Regulations 2016 (CDM 2016)  
 The CDM 2016 Regulations place legal and safety duties on clients and principal contractors that are involved in construction work. It is essential that the project is built to the approved drawings and specifications and that all necessary safety measures are in place to ensure the safety of the construction team and the public.

It is essential that the project is built to the approved drawings and specifications and that all necessary safety measures are in place to ensure the safety of the construction team and the public. Any alterations to the design, including changes to the building footprint, must be approved by the Local Authority before construction begins.

WHERE AN SDC CERTIFICATE IS INCLUDED  
 Management that Certificate Design Change  
 A Certificate will sign the design certificate following an examination of plans, specifications and other documents. It is not uncommon for designs to evolve up to and even beyond the point at which construction begins. Any alterations to the design, including changes to the building footprint, must be approved by the Certificate holder in the safety of the construction team.

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

Rev	Date	Description

**Building Design**  
 Architectural Technologist MCAT &  
 Energy Design Consultant  
 Approved Certificate of Design for (Section 6 - Energy) for Domestic Buildings  
 07485228570 (mob)  
 e-mail: kvbuildingdesign@outlook.com  
 website: www.kvbuildingdesign.co.uk



On Track training

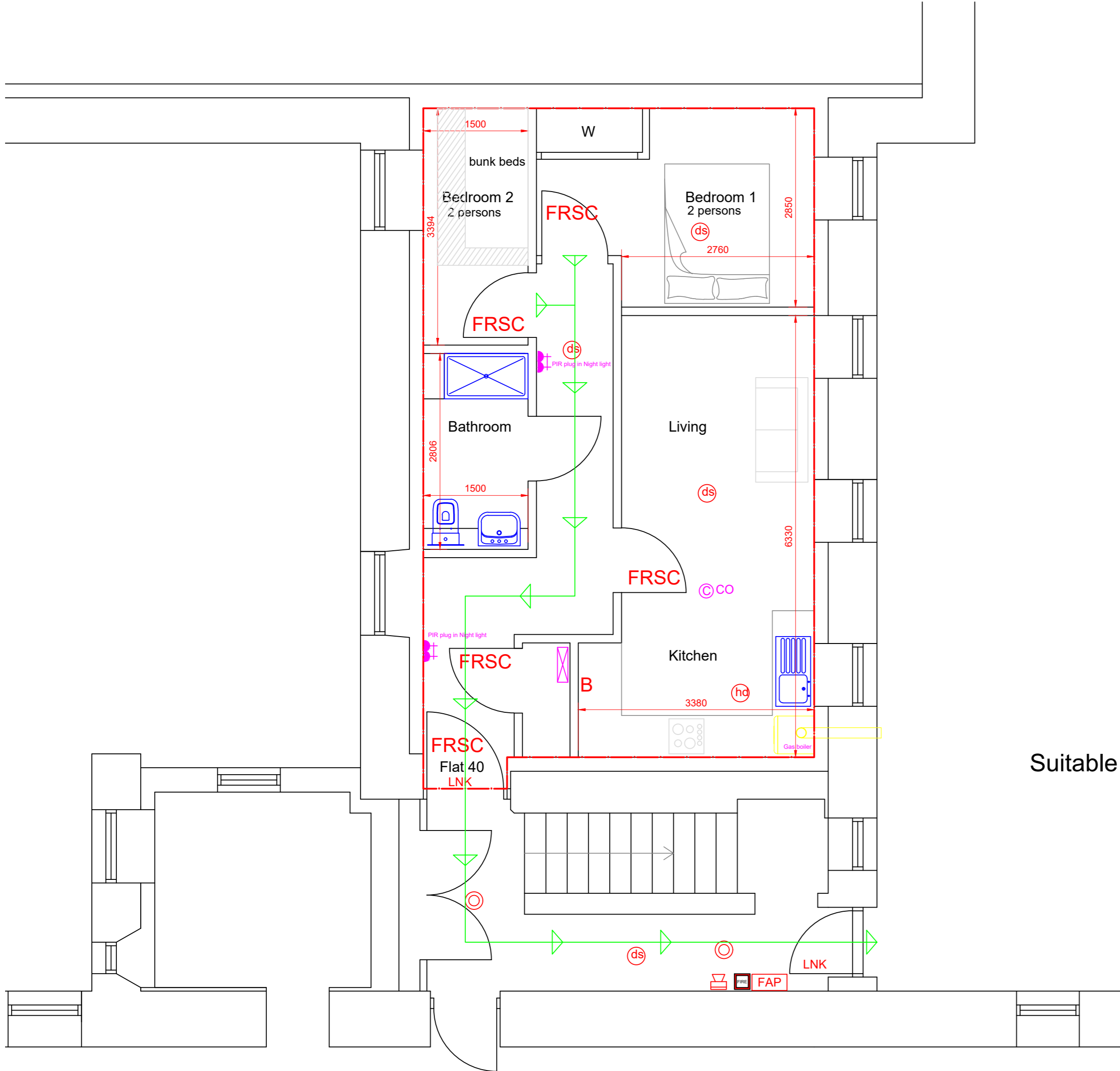
STL Application at 40  
 Great Glen Place  
 Inverness  
 IV3 8FA

Site Plan

Scale	Sheet No.
1:500	A3
Drawn by k macdonald	Status STL Application
08/05/2024	

1322.165.02

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Suitable for Mobility impairment

- (hd) heat detector
- (ds) smoke detector
- ☐ break glass call point
- LNK Lock no key
- FRSC Fire resisting self closing door
- FAP Fire Panel
- ⊙ emergency lighting
- B Fire blanket
- ↔ Fire Escape route
- ⊙ CO Carbon Monoxide Detector
- ☒ 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 rules with the Building Warrant. The rules state that changes to the plans to the plans to Building Warrants and that post certification is required. Failure to comply could result in non-compliance and reaction of a prosecution, fine, etc.  
Each CDM2015 site needs to have a copy or access to a copy please contact our office.

Rev	Date	Description

**KVM 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  
website: www.kvmbuildingdesign.co.uk



client: On Track Training

project: Short Term Let Licence Application at 40 Great Glen Place, Inverness IV3 8FA

Drawing Title: Floor plan

Scale: 1:50	Paper Size: A2
Drawn: k macdonald	Status: STL Application
Date: 18/04/2024	
Drawing No: 1322.165.01	Revision:



Hello,

I would like to submit an objection to 40 Great Glen Place IV3 8FA, this is in relation to the short term letting license notice that I spotted recently which has been poorly displayed at the property. In my opinion, it has been posted in this manner to avoid residents from reading the notice.

My main concerns with an additional short term let at this block of 5 flats is safety, waste and noise.

Parking Safely - there have been multiple issues with other guests staying at STLs particularly in the summer/October holidays causing parking issues within the private car park such as blocking other residents spaces, how does no.40 plan to mitigate these concerns?

Communal hallways/waste - The main entrance to the 5 properties has a shared main door and stairs/hallways. There is currently 1 STL in this block of flats. The front door latch has been broken countless times since I've been an owner here and each time it falls with all 5 property owners within the block splitting the cost of repairs through the factor Ross and Liddell. This damage is caused by guests at this STL not understanding how to gain access/forgetting the access key fob and forcing the door open. Additionally there is mess left in the hallways as well as stains/marks/damage on the walls and carpets depending on what guests stay in the STL. Waste is also an issue, the bins are communal and it is common that guests do not know how to recycle properly rendering the bins contaminated. Given what I have advised of what is going on with a current STL in this block of 5 flats, an additional STL would only further damage the communal areas and be detrimental to all permanent residents. Does no.40 have a plan to mitigate this? Are there any guarantees that the communal areas will be respected by the guests at this STL?

Noise concerns - This is an obvious concern given there will be multiple different guests in any given week who may have parties/loud music/antisocial behaviour regardless of the owners house rules. This is especially concerning to me during the working week.

Above all else Is there actually a requirement for another short term let in the area given the housing crisis that's currently ongoing in the Highlands? There are already multiple short term lets at the Great Glen Hall development, this is evident from the amount of key lockboxes that have been installed outside the main doors of each block of flats. An additional STL would only be detrimental to the area given the buildings historic value and listed building status. This 1 bed property was originally available with the help to buy scheme as an option given its price at the so it is very disappointing to see another property taken from potential first time buyers and now looking to be used for profit.



Kind Regards,

Matthew Lennox

