

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 10 October 2024

Report title: Application for the grant of a short term let licence Heather House, 16, Gordonville Road, Inverness, IV2 4SS (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 14 May 2024 a validated application for the grant of a short term let licence was received from Mrs Noelle Anne Chambers.
- 4.2 The property to which the application relates is Heather House, 16, Gordonville Road, Inverness, IV2 4SS (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 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 Mrs Chambers and a Mr Benjamin Alexander Chambers will be the host/operator of the Premises. The host/operator has applied for a short term let licence as an 'existing host' on the basis that the Premises were operated as a short term let property prior to 1 October 2022.
- 4.4 Mrs Chambers and Mr Chambers are named on the application as the owners of the Premises.
- 4.5 The person named on the application as being responsible for the day-to-day management of the Premises is the said Mrs Chambers.
- 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 semi detached dwellinghouse which can accommodate a maximum capacity of 8 guests. The basement of the premises comprises of a den and a bathroom. The ground floor of the premises comprises of a utility, kitchen, lounge and porch. The first floor of the premises comprises of 4 bedrooms 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 pages 2, 3 and 4 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;

5.2 Police Scotland and the Highland Council's Environmental Health Service 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 31 May 2024 from Francis Williams and Emily Williams (**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 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.
- 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. Policies

- 9.1 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.

10. Implications

10.1 Not applicable.

Date: 24 September 2024

Author: Julie Traynor

Reference: [FS550414857](#)

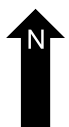
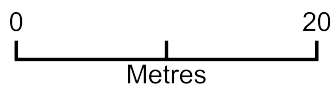
Background Papers:

- 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 31 May 2024 from Francis Williams and Emily Williams.

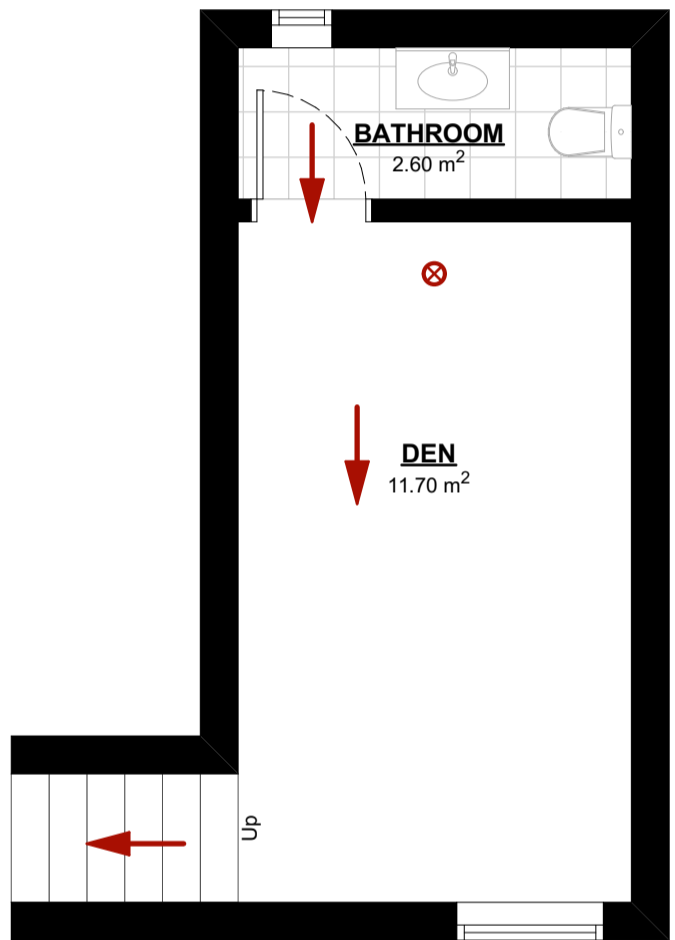


Plan Produced for: Inverness Holiday Lets

Date Produced: 19 Sep 2023

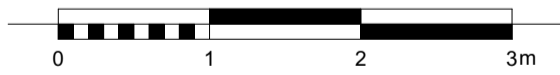
Plan Reference Number: TQRQM23262115903511

Scale: 1:500 @ A4

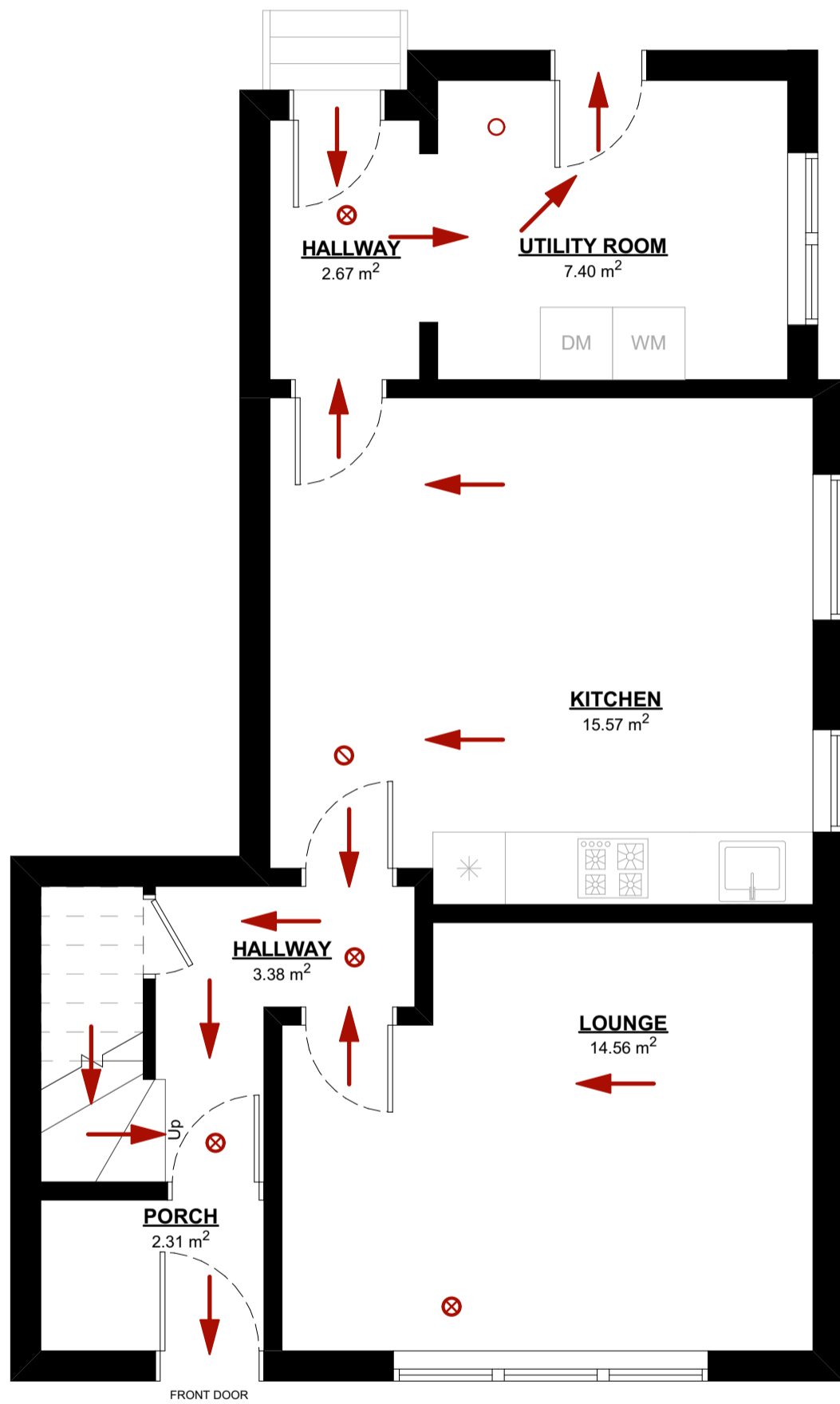


Gordonville Road

Basement
1:50



- ⊗ Smoke alarm
- ⊙ Heat detector
- CO detector
- ← Escape route

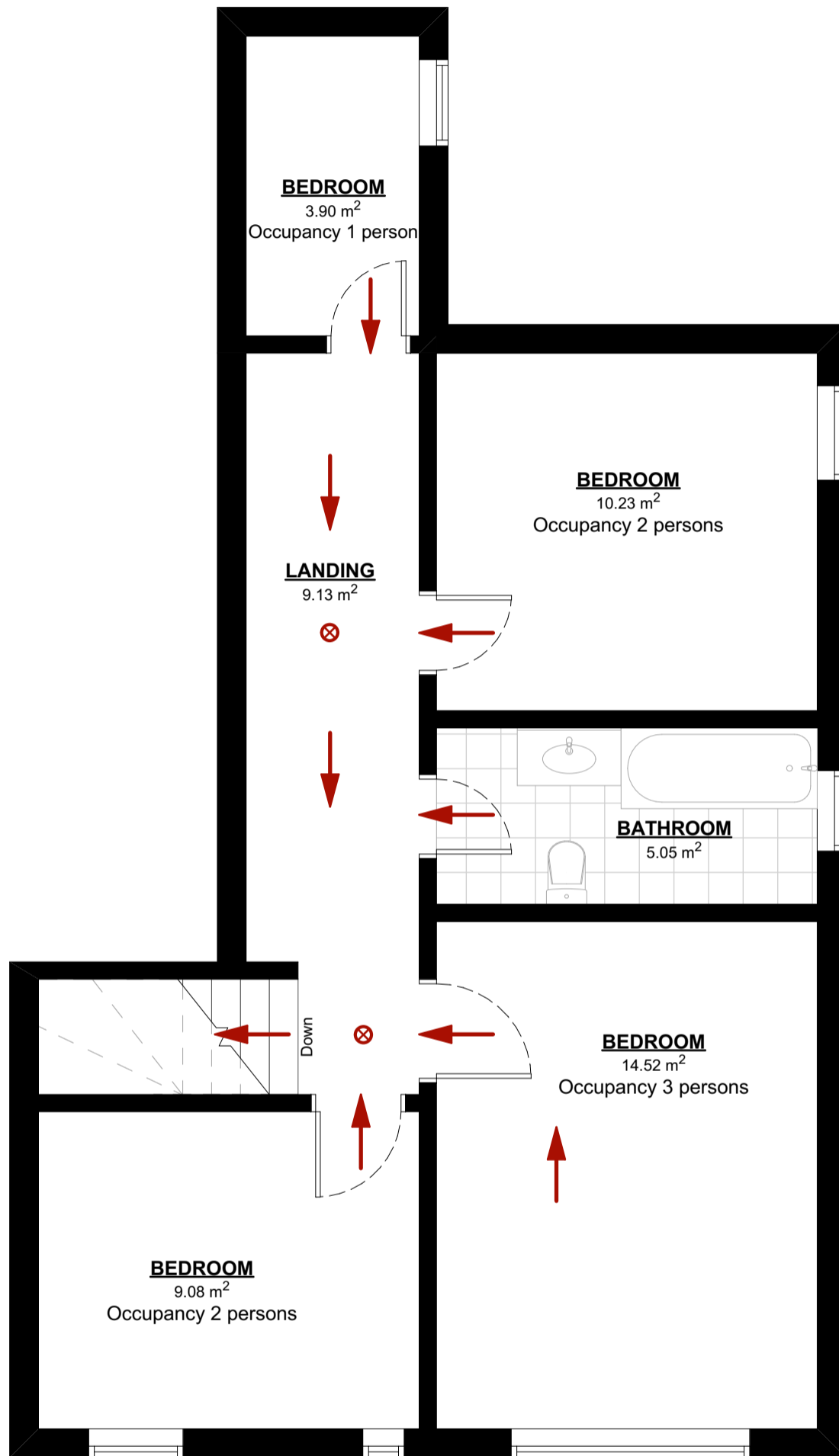


Gordonville Road

Ground floor
1:50



- ⊗ Smoke alarm
- ⊖ Heat detector
- CO detector
- ← Escape route



Gordonville Road

First floor
1:50



- ⊗ Smoke alarm
- ⊘ Heat detector
- CO detector
- ← Escape route

Received by email on 31 May 2024

To whom it may concern

We wish to object to the Short Term Licence application for 16 Gordonville Road. We are owners and occupiers for the past 20 years of the neighbouring property 18 Gordonville and have been resident long before Number 16 has been rented out for short term lets. We have the following reasons for objecting to the granting of a licence;

Noise

Both 18 and 16 Gordonville Road are semi-detached properties which was divided in the 1950s and the walls separating the two properties are lath and plaster. This provides insufficient noise dampening, especially given the hard flooring present in Number 16. This is particularly evident in our downstairs kitchen/dining area and in the downstairs bathroom. We can experience significant disruption often to late into the night as large groups unfortunately sometimes do not respect the fact that whilst they are on holiday, we have to work and our son has to go to school.

Intrusion

The only access to Number 16 is through our garden and whilst we own the path, there is a right of access to Number 16. There is a frequent turnover of guests and, whilst most are courteous, the high number of strangers walking through our garden and past our front door is unsettling. Also our garden gate is frequently left open which reduces security.

Disruption

The size of the property and the number of bedrooms let out means you often get many more people staying at the property than you would otherwise expect if the property was residential. This gives rise to the increased noise and intrusion noted above. There has also been an incident where our property was damaged by guests and although thankfully this has so far been an isolated incident and the owner of Number 16 compensated us for the damage, the concern remains of future issues.

In summary we do not believe that the property in its current state is suited to short term lets for the reasons stated above.

Could you please confirm that the objection is compliant or whether you need a signed document.

Kind regards

Francis Williams and Emily Williams

[REDACTED]

[REDACTED]

[REDACTED]