

	Agenda item	<b>3.6</b>
	Report no	<b>HLC/115/24</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 32 Innes Street, Inverness, IV1 1NS (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 8 May 2024 a validated application for the grant of a short term let licence was received from Mr Derek Forbes.
- 4.2 The property to which the application relates is 32 Innes Street, Inverness, IV1 1NS (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 Mr Derek Forbes 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 Mr Forbes is named on the application as the owner 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 Mr Forbes.
- 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 house which can accommodate a maximum capacity of 6 guests. The ground floor of the premises comprises of 2 x kitchens, a lounge, W/C and an ensuite bedroom. The first floor of the premises comprises of 2 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 1 and 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;
- Scottish Fire and Rescue Service.

- 5.2 Police Scotland, the Scottish Fire and Rescue Service and the Highland Council's Environmental Health Service have all confirmed that they have no objections to the application.

## **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 7 June 2024 from Jennifer Black (**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 \(Licensing Committee\) \(highland.gov.uk\)](#)

## **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: [FS545912877](#)

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 7 June 2024 from Jennifer Black.

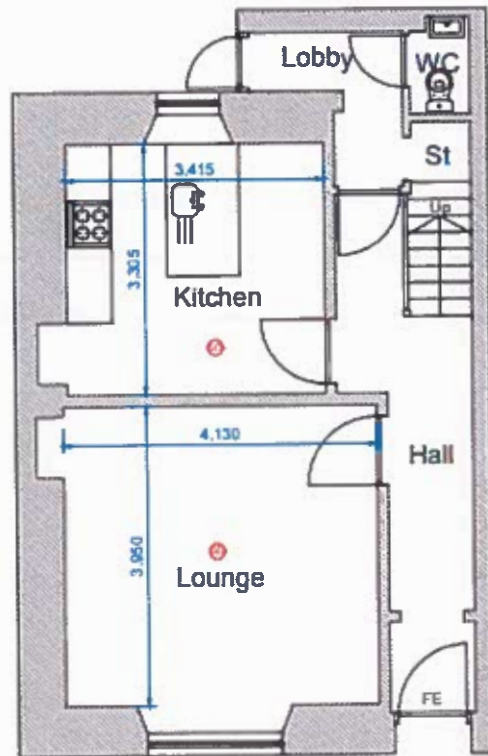
32 Innes Street, Inverness, IV1 1NS

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APPENDIX 1

MAXIMUM OCCUPANCY  
2 PERSONS

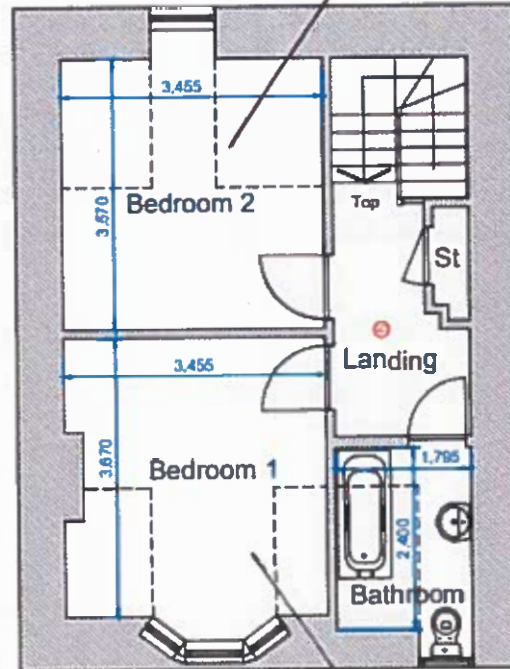


Ground Floor Plan (1:50 scale)



Key:

- = Annex
- = Smoke Detector
- = Carbon Monoxide Detector
- = Fire Exit



First Floor Plan (1:50 scale)

MAXIMUM OCCUPANCY  
2 PERSONS



Site Plan (scale 1:500)



EXISTING

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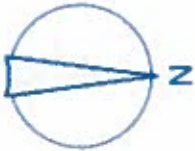
Client: Mr Christine Forbes

Project: 32 Innes Street, Inverness, IV1 1NS

Drawn: Existing Floor Plans

Working Title: **F1091 / EX01**

Refer to written dimensions only  
Do Not Scale

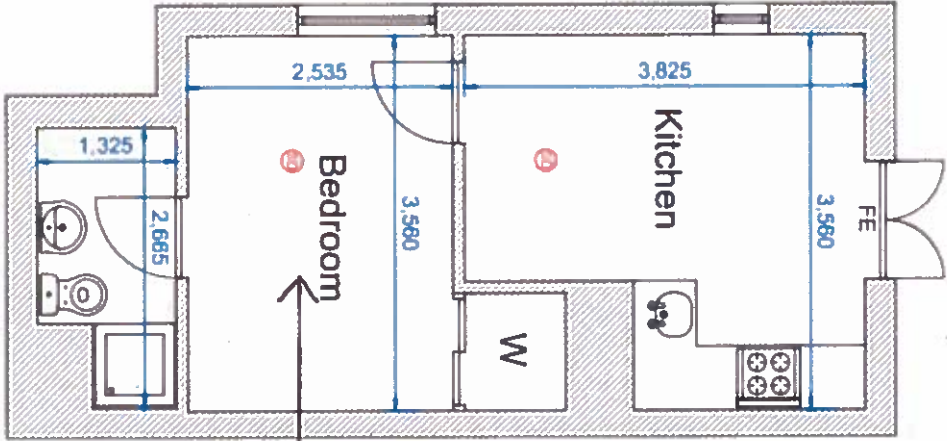


INVERNESS



Site Plan (scale 1:500)

MAXIMUM  
OCCUPANCY  
2 PERSONS



Ground Floor Plan (1:50 scale)

Key:

- = Annex Accommodation
- = Smoke Detector
- = Carbon Monoxide Detector
- = Fire Exit



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MAIL@BLUEPRINTARCHITECTURE.COM | 01862 892900

Client:

Mr Graeme Forbes

Address:

32A Innes Street, Inverness, IV1 1NS

Drawn:

Existing Floor Plans

A3

F1091 / EX02

EXISTING

0 10 Millimetres

100



## Objections to the Secondary Let licencing of 32 Innes Street

To whom it may concern at the Highland Council,

My name is Jennifer Black, and I am writing to object to 32 Innes Street being permitted to operate as a Secondary/Short Term Let. As the owner and resident of 30 Innes Street, I have great concerns about allowing this home to be used as a business, instead of as a home for a long-term resident.

Some of my discomfort stems from personal concerns; My partner and I are expecting our first child, and are worried about her growing up in immediate proximity to a revolving door of different residents (for reasons listed below). Community is important for raising children, and community safety moreso. I feel it is reasonable to want neighbours I can get to know over time. Quite frankly, if I had known that the home attached to my own 30 Innes was going to become a neighbourhood-eroding business, I would not have purchased 30 Innes!

Beyond personal concerns: The housing markets in the UK, particularly in tourist hotspots like Inverness, are already struggling to keep up with the demand for homes for long-term residents who desire to live and work within Inverness. I strongly feel that we should not be pushing long-term residents out of the city in favour of private businesses.

My specific concerns and reasonings are as follows:

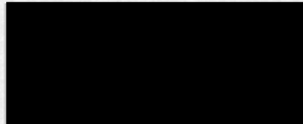
- Anti-social behaviour and noise disturbances associated with Short Term Lets
  - 32 Innes Street has been running as a Short Term Let for some time now, with visitors frequently coming and going. While some of these visitors are well-mannered, others tend towards more anti-social and noisy behaviours such as:
    - Leaving dogs inside the property alone for hours at a time, which cause noise disturbances with non-stop barking and crying.
    - Loud behaviour and activities, sometimes late into the night—understandable as many of these visitors are on holiday, but becomes a nuisance in a semi-detached home.
- Degradation of Neighbourhood Spirit and Community
  - The pedestrian subway entrance to Innes Street is decorated with a photo collage celebrating the community that inhabits the street. A community is made and maintained by long-term inhabitants. When more and more homes are repurposed as short-term lets, we hinder the ability of long-term residents to move in and maintain the community spirit. A street like Innes Street, which proudly celebrates its community history, needs to have that community-based history and future protected.



- In the time where this property has operated as a Short Term Let prior to being licenced, it has been incredibly difficult to communicate with the owner of the property about issues related to the building. As 32 Innes Street is attached to 30 Innes Street, it is imperative that we can communicate about problems relating to the shared building. Unfortunately, with a revolving door of residents coming and going, even notes left through the post box go unnoticed or are not responded to.
- Oversaturation of short term lets operating on Innes Street: On just Booking.com, it is possible to see 7 properties up for short term letting, along with another 2 currently visible on airbnb. A street cannot dedicate 9 homes to short term lets if it wishes to remain a community.

I feel these concerns that I have laid out clearly show how a short term let is not an appropriate use of 32 Innes Street. My name and address can be found below for this objection:

Jennifer Black



Thank you for your time,



Jennifer Black