

	Agenda item	3.8
	Report no	HLC/148/24

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 3 December 2024

Report title: Application for the grant of a short term let licence – Fassfern Guest House, Fassfern Villa, Achintore Road, Fort William, PH33 6RQ (Ward 21 – Fort William and Ardnamurchan.)

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 In terms of the abovementioned Act, the Licensing Authority have twelve months from receipt of the application to determine the same for existing hosts, therefore this application must be determined by 4 December 2024. Failure to determine the application by this time would result in the application being subject of a 'deemed grant' which means that a licence would require to be issued on 4 December 2024 for a period of 12 months. The application is before this Committee as this is the last meeting before the determination date expires.
- 3.3 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 5 December 2023 a validated application for the grant of a short term let licence was received from Mrs Leigh Ann Hall on behalf of the partnership of Leigh Ann Hall and David Hall.
- 4.2 The property to which the application relates is Fassfern Guest House, Fassfern Villa, Achintore Road, Fort William, PH33 6RQ (the "Premises").
- 4.3 The application for the short term let licence has been made on the basis that the said Mr and Mrs Hall will be the hosts/operators of the Premises. The applicant has applied as an 'existing host' and, as such, the hosts/operators can operate the premises as a short term let until they have obtained a licence.
- 4.4 The Partnership of Mr David and Mrs Leigh Ann Hall is 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 the said Partners, Mr David and Mrs Leigh Ann Hall.
- 4.6 The type of letting which has been applied for is 'home letting and home sharing', which means the host/operator rents out part or all of the property where they normally live whilst they are there and whilst they are not there.

4.7 The Premises are comprised of a two storey semi-detached guesthouse style property. which can accommodate a maximum capacity of 14 guests. The floor plan and site plan can be found on page 1 of Appendix 1 to this report (**Appendix 1**).

5. Process

5.1 The application was circulated to the following Agencies/Services for consultation:

- Police Scotland;
- Scottish Fire & Rescue Service; and
- Highland Council Environmental Health Service.

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

6. Certificate of Compliance

6.1 The applicant has yet to return a certificate of compliance, which confirms 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. Such certificate of compliance must be completed by the applicant and returned to the licensing team as confirmation that the public notice of application has been displayed in terms of the said legislation, before the licence can be issued. If available, a verbal update can be provided to the Committee by the Principal Solicitor – Regulatory Services.

6.2 Until the outstanding matter detailed at paragraph 6.1 above has been addressed, the Principal Solicitor – Regulatory Services cannot issue the licence under delegated powers. As detailed at paragraph 3.2 the application requires to be determined by 4 December 2024.

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, 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.

7.2 A copy of this report has been sent to the applicant who, in the terms of paragraph 4(2) of the Civic Government (Scotland) Act 1982, has been invited to attend and will be provided with an opportunity to be heard by the Committee.

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

9. Implications

9.1 Not applicable.

Date: 12 November 2024

Author: Maureen Duffy

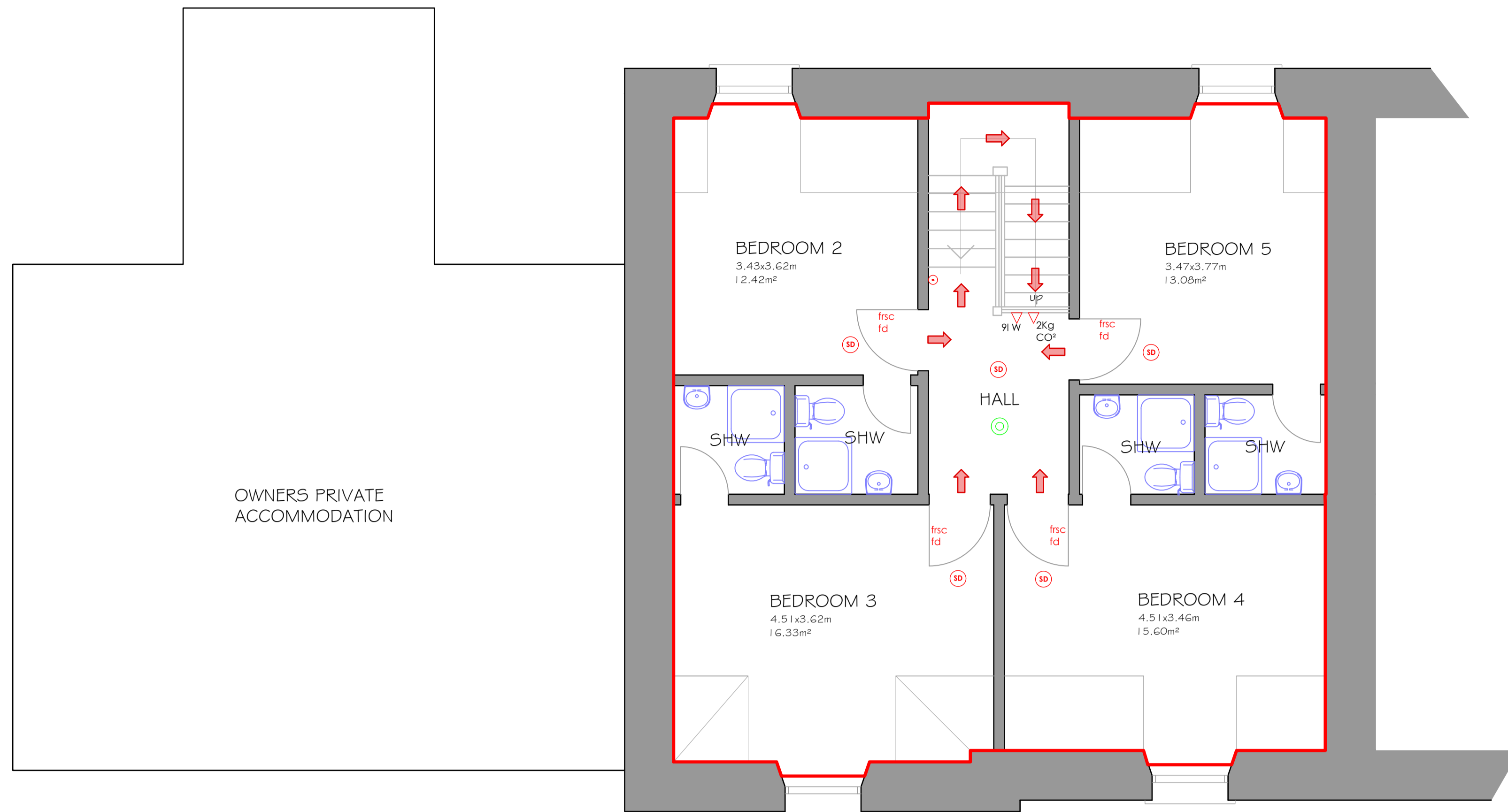
Reference: [FS551036542](#)

Background Papers:

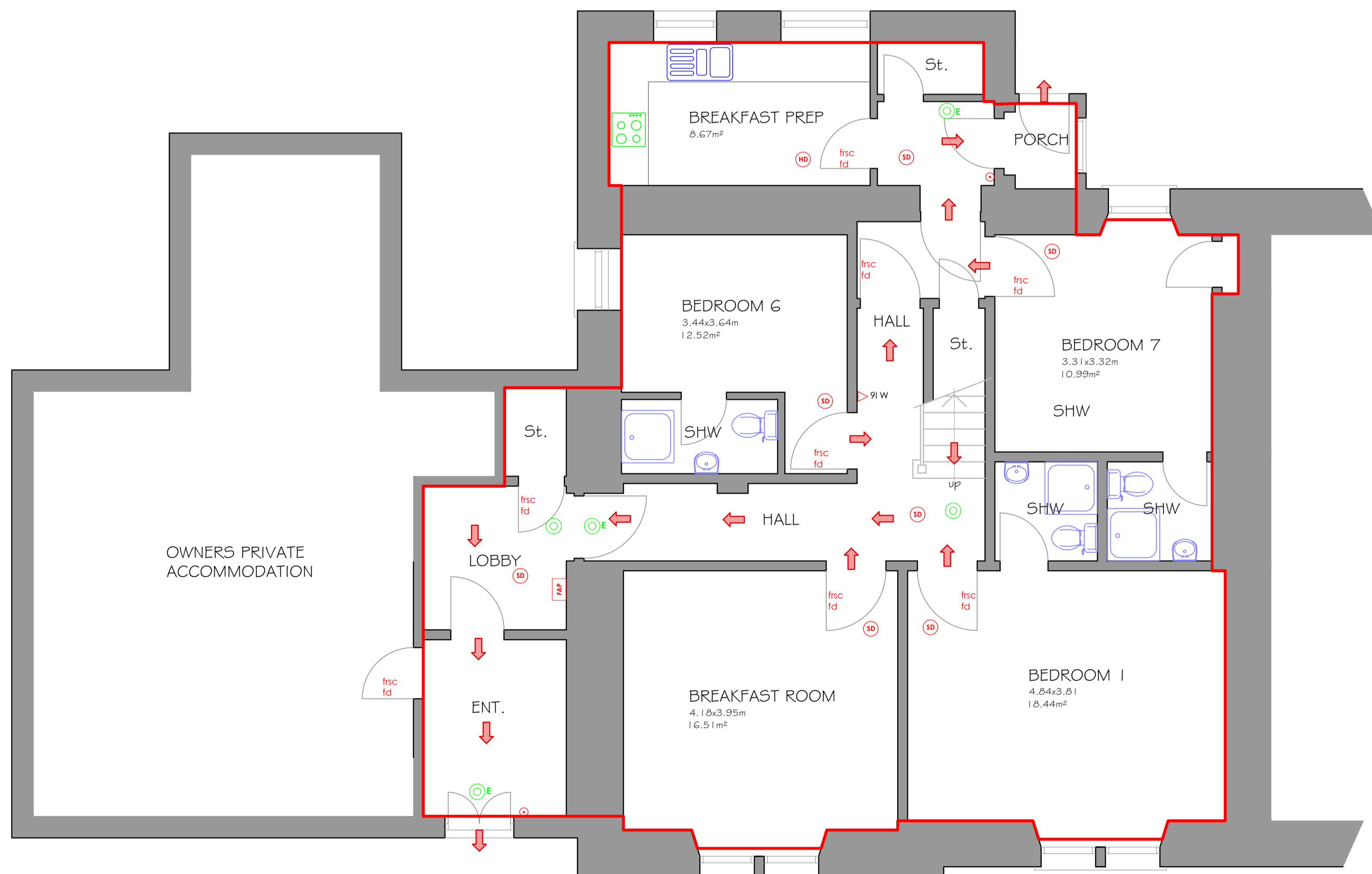
- Civic Government (Scotland) Act 1982
- The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022

Appendix:

Appendix 1: Floor plan and site plan for the Premises.

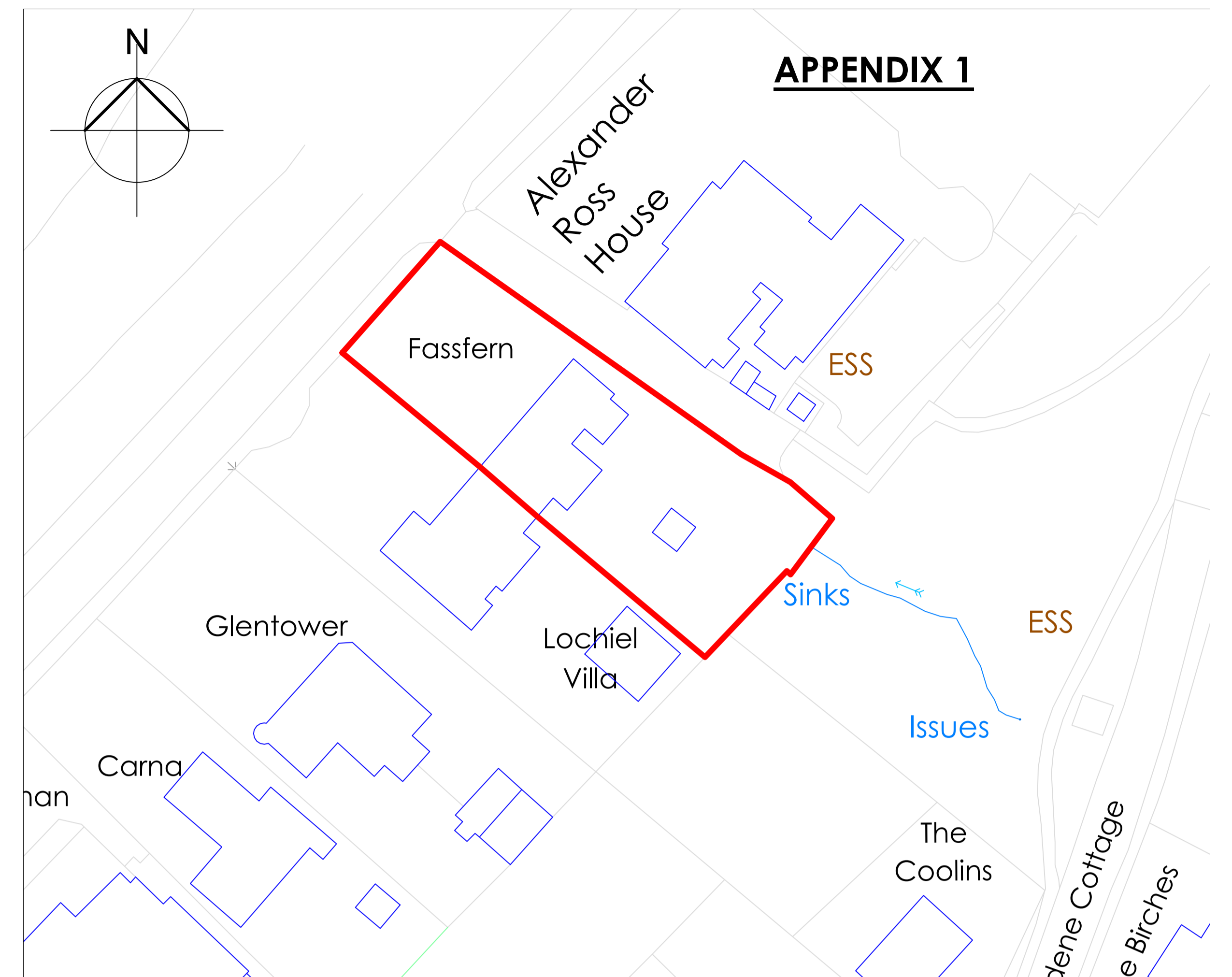


FIRST FLOOR PLAN



GROUND FLOOR PLAN

FASSFERN GUEST HOUSE, ACHINTORE ROAD, FORT WILLIAM



LOCATION PLAN
1:500

FIRE SYMBOL LEGEND

	emergency lighting point
	illuminated exit sign
	smoke detector/sounder
	heat detector/sounder
	fire call point
	water extinguisher 9l.
	dry powder extinguisher 2Kg
	fire escape route
	fire alarm panel



Project

Fassfern Guest House, Fort William

Client

Mr & Mrs Hall

Detail

Short Term Licence
FLOOR PLAN & LOCATION PLAN

Scale 1:50; 1:500 Date Sept 2023

Job No 0002-WHAS-ZZ-XX-STL-A-00-0001-00