

Agenda item	<b>3.3</b>
Report no	HLC/68/25

## **THE HIGHLAND COUNCIL**

**Committee:** THE HIGHLAND LICENSING COMMITTEE

**Date:** 29 April 2025

**Report title:** Application for the grant of a short term let licence –  
Amayrah Cottage, 40 Lochalsh Road, Inverness, IV3 8HP  
(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 23 January 2025 a validated application for the grant of a short term let licence was received from Mr Muhammad Rokibul Hasan.
- 4.2 The property to which the application relates is Amayrah Cottage, 40 Lochalsh Road, Inverness, IV3 8HP (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 coloured pink on the inset plan at the top right hand corner of 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 Hasan 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 Mr Hasan 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 Hasan.
- 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 dwellinghouse which can accommodate a maximum capacity of four guests. 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;
- Scottish Fire & Rescue Service;
- Highland Council Environmental Health Service; and
- Highland Council Building Standards.

5.2 Police Scotland, The Highland Council's Environmental Health Service and The Highland Council's Building Standards service have all confirmed that they have no objections to the application.

## 6. Non-Timeous Representation

6.1 The Scottish Fire and Rescue Service submitted a non-timeous representation, which was received by email on 10 April 2025. This representation was received after the 28-day period for objections or representations to be made had elapsed, namely on 21 February 2025, and therefore it cannot automatically be considered by the Committee.

6.2 At the meeting, Scottish Fire and Rescue Service will be invited to address the Members as to the reason why the representation was submitted after the required timescale. The applicant will be invited to address the Committee on the same and thereafter Members will require to determine whether there were sufficient reasons for the late representation and whether it should be heard.

6.3 If the Committee are minded to accept the email of representation, a copy of same will be circulated at the meeting. If not, the application will be determined in its absence.

## 7. Certificate of Compliance

7.1 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 from 23 January 2025.

## 8. Public objections

8.1 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 objections were received and are attached as Appendices to this report:

- Objection received by email on 16 February 2025 from Fiona McInally and Richard Bowman (**Appendix 2**); and
- Objection received by email on 17 February 2025 from Martin Mackintosh and Katina Mackintosh (**Appendix 3**).

## 9. Determining issues

9.1 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.

9.2 A copy of this report has been sent to the applicant and each of the objectors and Scottish Fire & Rescue Service who, in the terms of paragraph 4(2) of the Civic Government (Scotland) Act 1982, have all been invited to attend and will be provided with an opportunity to be heard by the Committee.

9.3 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)

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

10.1 In the emails of objection found at Appendices 2 and 3, 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 9.1 of this Report.

10.2 If required, the Principal Solicitor – Regulatory Services will offer further advice or clarification on these points.

## 11. Policies

11.1 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.

## 12. Implications

12.1 Not applicable.

Date: 2 April 2025

Author: Audra MacDonald

Reference: [FS659138158](#)

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;

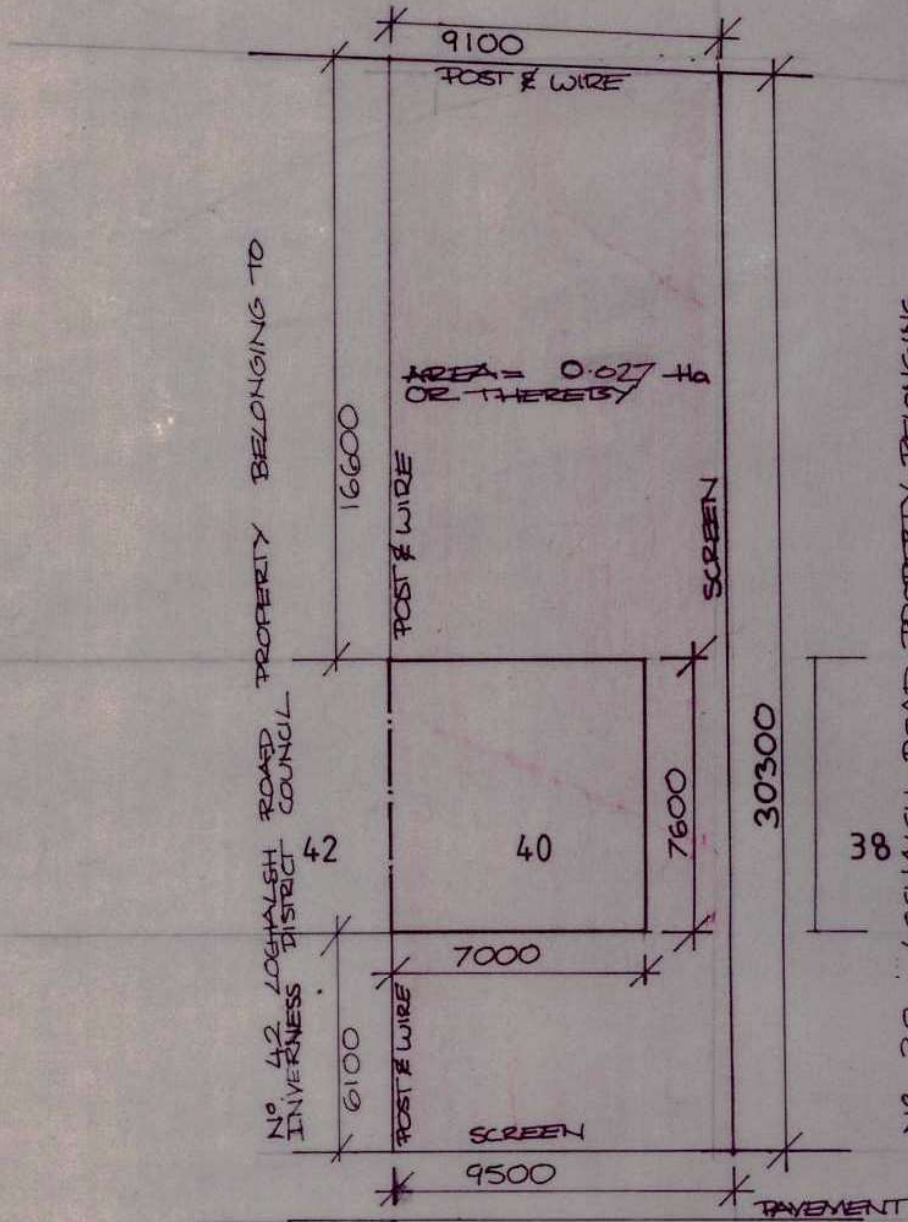
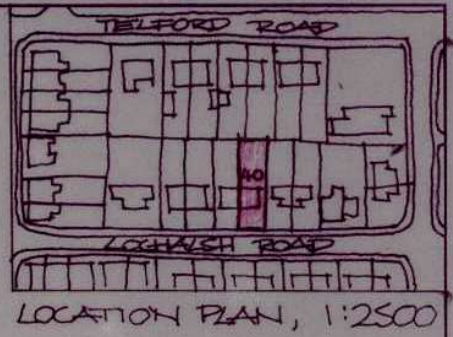
Appendix 2: Objection received by email on 16 February 2025 from Fiona McInally and Richard Bowman;

Appendix 3: Objection received by email on 17 February 2025 from Martin Mackintosh and Katrina Mackintosh.

THIS IS THE PLAN REFERRED TO

# Appendix 1

in the foregoing Feu Disposition by The Inverness District Council in favour of Henry Walton Livingstone and Mrs Margaret Ann Livingstone dated 22nd November, 1993.



PROPERTY BELONGING TO  
NO. 42 LOCHALSH ROAD  
INVERNESS DISTRICT COUNCIL

PROPERTY BELONGING  
TO  
NO. 38 LOCHALSH ROAD,  
MR & MRS J MACDONALD

LOCHALSH ROAD

*A Macdonald  
Gavel Home  
D. Macdonald*

Director of Architectural  
& Technical Services  
William Hamilton R.I.B.A. A.R.I.A.S.  
Town House, Inverness tel. 0463-239111  
fax. 0463-233813

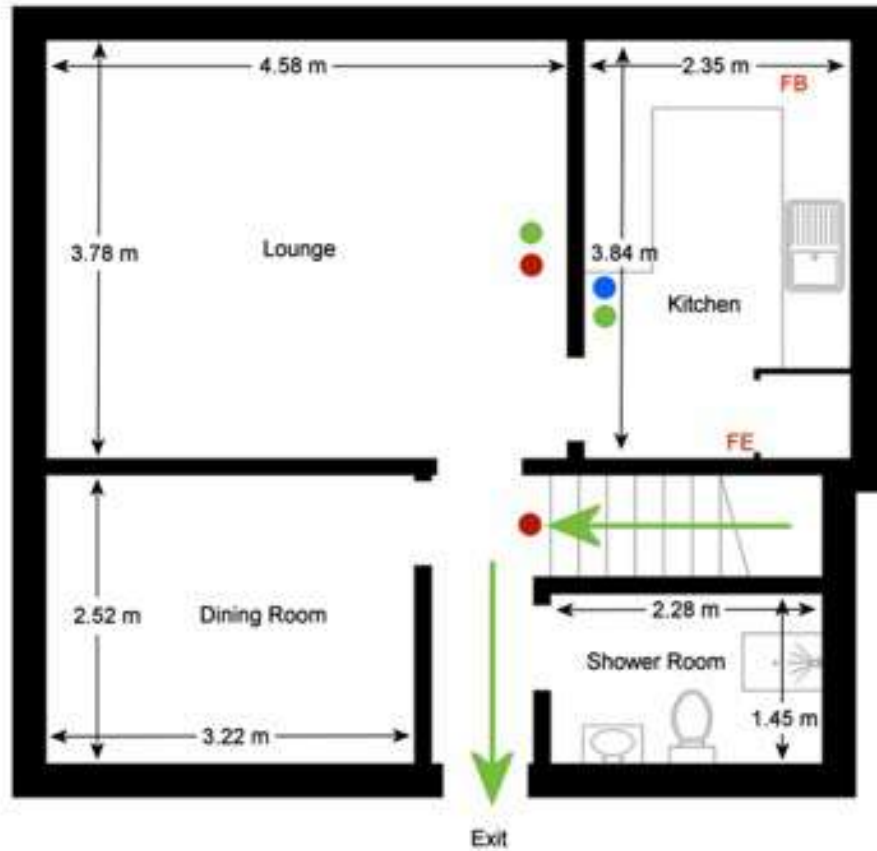
INVERNESS  
DISTRICT  
COUNCIL



scale 1:200  
14/7/93  
ADP

INV 93 704

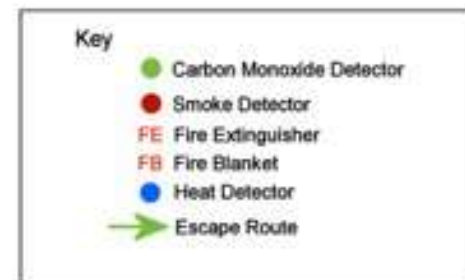
# 40 Lochalsh Road, Inverness, IV3 8HP



Ground Floor



First Floor



Note:  
Drawing not to scale; for illustrative purposes only.

16 Feb 2025

### **Objection to STL licence application , 40 Lochalsh Road, Inverness**

Emailed to STL Licensing team

Dear STL team,

This document is our formal objection to the STL licence for 40 Lochalsh Road, Inverness, IV3 8HP, which was advertised on 23rd January 2025 on the fence of property. This property is a semi detached house, joined to our own. These properties share the main wall through the structure of the houses, along with the fence line in front and back garden of each home.

We feel that we have valid reasons for objecting to this STL licence based on the following, in adherence with the criteria for objections, from the additional licence conditions webpage which were supplied to us following our request for advice - supplied by THC solicitor:

#### **2a Noise and antisocial behaviour**

We are not convinced that the homeowner, being based in Thurso, will be able to ensure that there is no disturbance or nuisance arriving from the STL, or deal with this effectively and quickly.

Having looked at the information on STL, we feel that as a family with a 6 month old baby, and 9 year old daughter, that this property is not suitable for STL. The buildings were built circa 1950s, ex council houses, and are thin-walled. We can hear any movement through the property, such as hoovers, walking up/down stairs and noise from electronic devices. The wall which both properties share is part of 2 bedrooms in the property- both of which have our children within these. We know that if successful the licence will set what decibels are allowed within the property, and as a minimum we ask that our family are taken into consideration.

The fact that an STL licence allows people to enter into property, and be noisy until 11pm in the evening, we feel is inappropriate for a family focussed residential area, and for those with young families to have to live with going forward. This will have daily impact on our bedtime routines for our children.

We are also unsure how many people would be able to use the property as part of the STL licence, as this is not mentioned on the detail posted to the fence, but given that it is a 3 bedroom property, we feel that this could be significant, whether used for short term accommodation for those working in the city, or Airbnb style lets.

We are also concerned that the licence criteria mentioned amplified music or electronic devices being used externally within the property grounds until 11pm. We were under the impression that within residential areas that noise was not permitted after 9pm.

#### **Privacy and security:**

No 40 and 42 share a property line running through the middle of the property, and both front and back gardens. These are currently bordered by a waist height fence, in which we can see clearly into our neighbours property, and therefore the occupants of no 40 into our garden. With the potential for a constant stream of guests using the STL, we feel we will lose the privacy that we currently have in our home. As it currently stands, I will not feel safe allowing my children into the garden to play unmonitored with strangers next door constantly.

#### **Maintenance of property:**

No 38-42 currently share a drainage utility which then accesses the main drain on street. We have had previous issues with the system blocking up, and have been advised that the 4 properties



must be careful with what is flushed down drains. Each time this has occurred, it has backed up into our garden and system, and we are concerned that those visiting the STL will not be as careful as a homeowner would be.

We are unsure if the homeowner was made aware of this drainage problem when he purchased the property, or if it would have been mentioned within a home report. We ask that consideration is given to this issue.

We consider all the points above valid, as they have a direct bearing on our day to day life at home going forward. We note that Inverness is not part of the control zone pilot, which takes into account the influence of STL on ability to purchase houses, and the effect within a community. At a very local level we are aware that several of the properties within Lochalsh, Abban and Telford Road which have been sold within the last two years, have applied for STL licences, which we feel has had a detrimental impact to the sense of community where we live. We are aware that this will not be taken into consideration with regard to this licence decision, but we still wanted to highlight our concern for this locality going forward, and would welcome this area becoming a control zone going forward.

Please accept below as our electronic signatures,

Yours sincerely,

Richard Bowman,

Fiona McNally

A solid black rectangular redaction box covering the signature of Fiona McNally.

## Appendix 3

Martin & Katina Mackintosh  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Highland Council, Short Term Let Licensing

17<sup>th</sup> February 2025

### **Objection to Secondary Letting Application**

Applicant Name – Muhammad Rokibul Hasan

Address of Property to be licensed - 40 Lochalsh Road, Inverness, IV3 8HP

Dear Sir/ Madam,

I am writing to formally object to the application for the STL license at the above property. I am a neighbor and believe this action could negatively impact the community.

1. Noise – I am aware of residents in this area that have had previous experience with Short-term lets and this has led to an increase in noise levels and disruption, particularly during weekends or holiday periods. This affects the well-being of permanent residents, especially families with young children (of which there are several nearby), the elderly and shift workers. The property in question's only external door faces on to my door and due to the likelihood of a no smoking policy in the premises, have the prospect of early hour conversation's (probably drunken and loud) been held outside my house.
2. Parking – The property in question does not have adequate parking facilities and the proposal of a short-term let being granted to a 3-bedroom house could exacerbate congestion (due to double parking making it difficult for large vehicle to get through) and parking problems for residents. I personally have had access to my drive hampered and on occasion blocked by inconsiderate drivers, due to our current parking problems.
3. Safety – The introduction of a transient population through secondary lets may lead to concerns about security, public nuisance and public order offences. There is a high possibility that the type of people likely to stay at this property, will be stag/hen party's due to its proximity to the city center. Having worked in the city center for many years (in hospitality), I am fully aware how quickly these parties can get out of hand with the possibility of fighting and damage to surrounding properties.

Considering the above concerns, I respectfully urge you to decide against the granting of the SLT license at 40 Lochalsh Road, Inverness. I believe that it is in the best interest of the community and to maintain the character and stability of the area.

I would appreciate being kept informed of any developments in relation to this matter and would be happy to discuss my concerns further if necessary.

Thank you for your time and consideration.

Yours Sincerely,  
Martin & Katina Mackintosh