

Agenda item	3.8
Report no	HLC/73/25

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 29 April 2025

Report title: Application for the grant of a short term let licence – 7 Riverside Gardens, Inverness, IV3 5TB (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 13 August 2024 a validated application for the grant of a short term let licence was received from Mr Alastair John Reith Rhind.
- 4.2 The property to which the application relates is 7 Riverside Gardens, Inverness, IV3 5TB (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 marked up as "Site plan", found 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 Rhind is 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 Rhind 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 Mr Rhind.
- 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

5.2 Police Scotland, Scottish Fire & Rescue 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 from 31 August 2024.

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 26 September 2024 from Mr Alan Rose **(Appendix 2)** .

7.2 On 28 September 2024, Mr Alan Rose submitted a written submission by email in connection with his objection and this is attached as a further Appendix to this report **(Appendix 3)**.

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 both the applicant and 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. 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.

10. Implications

- 10.1 Not applicable.

Date: 1 April 2025

Author: Alexander Florence

Reference: [FS548321795](#)

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.

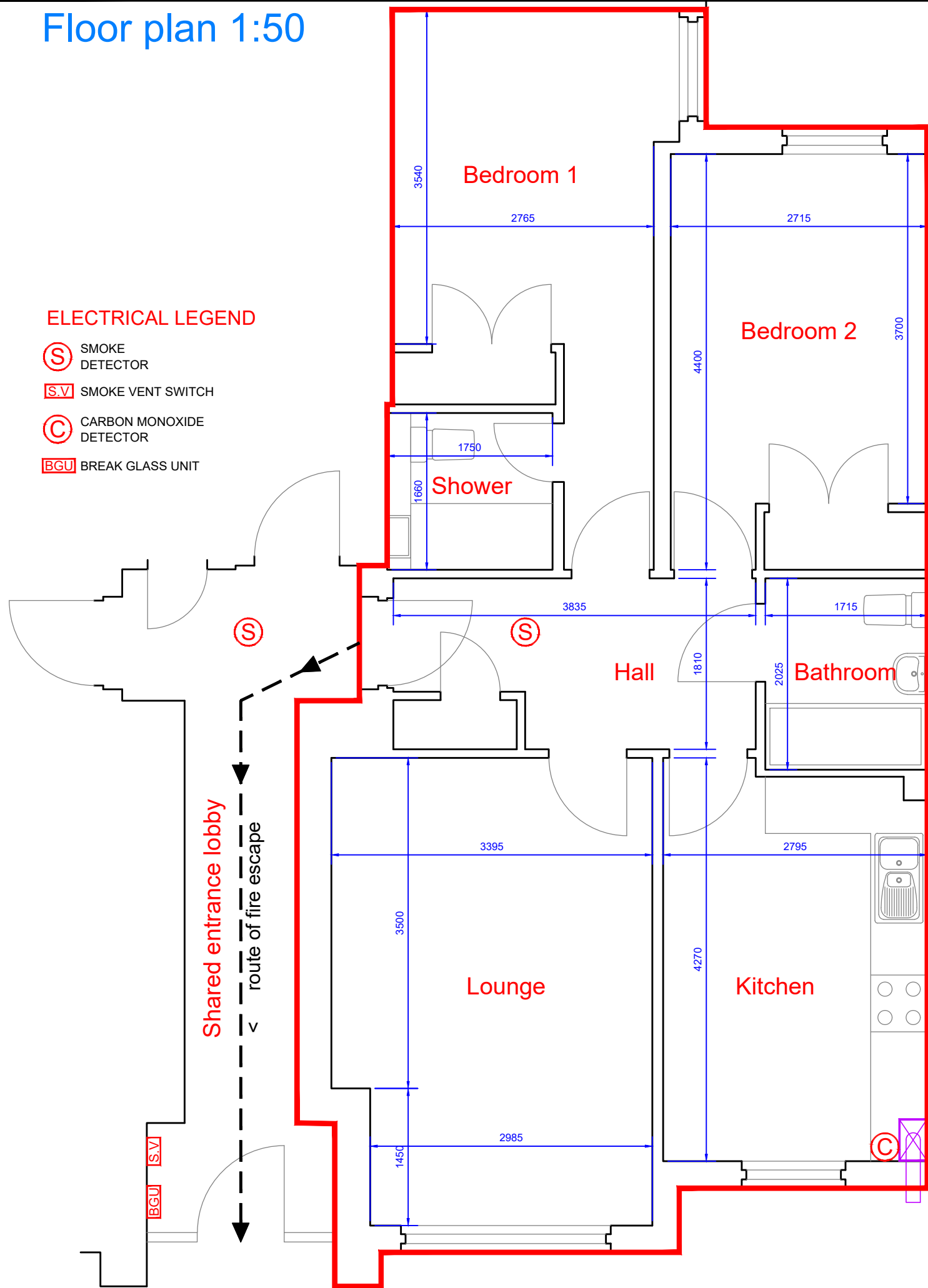
Appendix 2: Objection received by email on 26 September 2024 from Mr Alan Rose.

Appendix 3: Written submission received by email on 26 September 2024 from Mr Alan Rose.

Floor plan 1:50

ELECTRICAL LEGEND

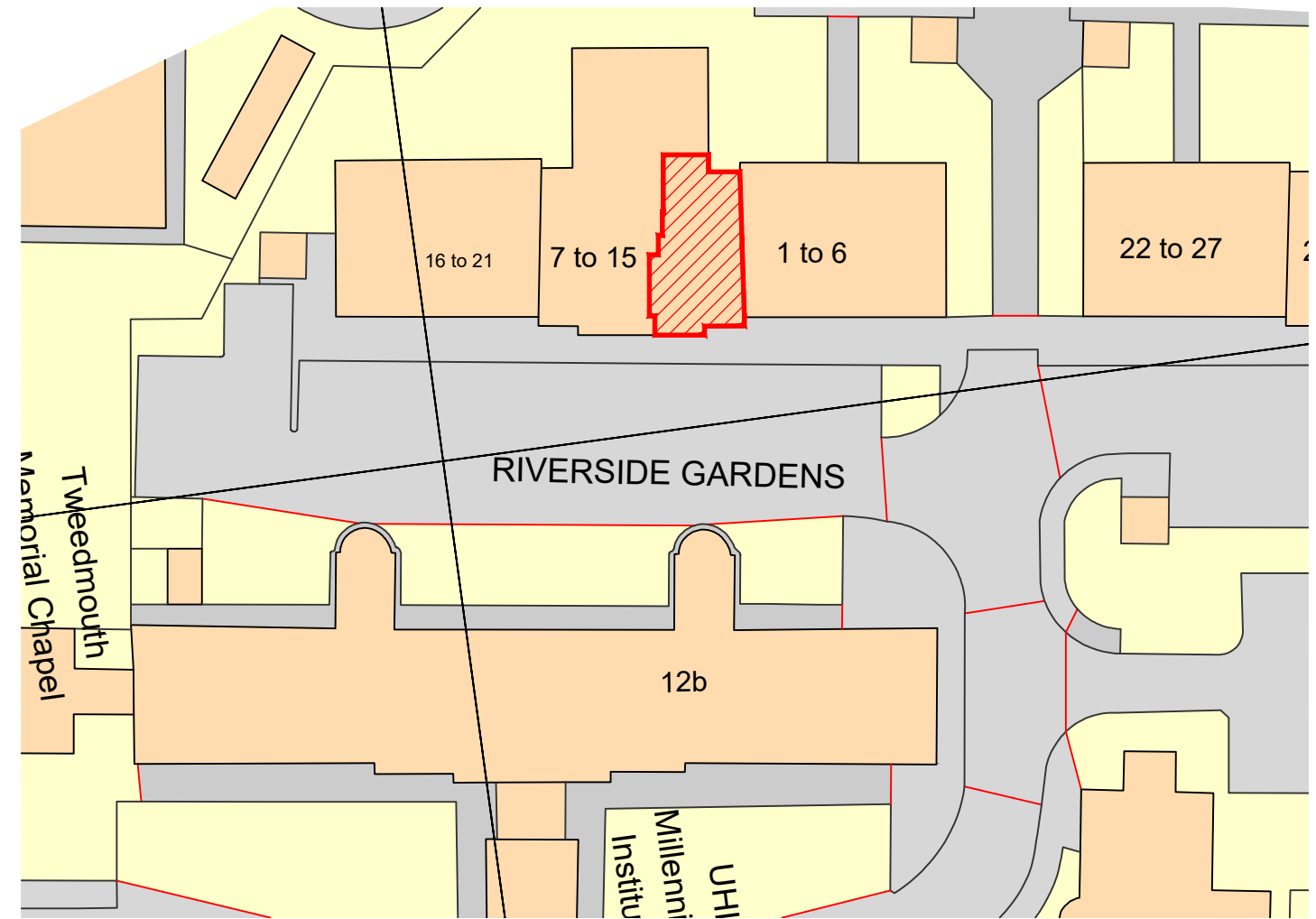
- S SMOKE DETECTOR
- S.V SMOKE VENT SWITCH
- C CARBON MONOXIDE DETECTOR
- BGU BREAK GLASS UNIT



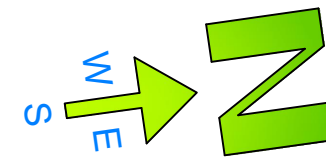
Appendix 1

Appendix 1

REVISIONS
A. Site plan amendments.
27/06/2024.



Site plan 1:500



CAMERON
ARCHITECTURAL
DESIGN

7 Riverside Gardens,
Inverness

Mr Alastair Rhind

Floor plans & site plan

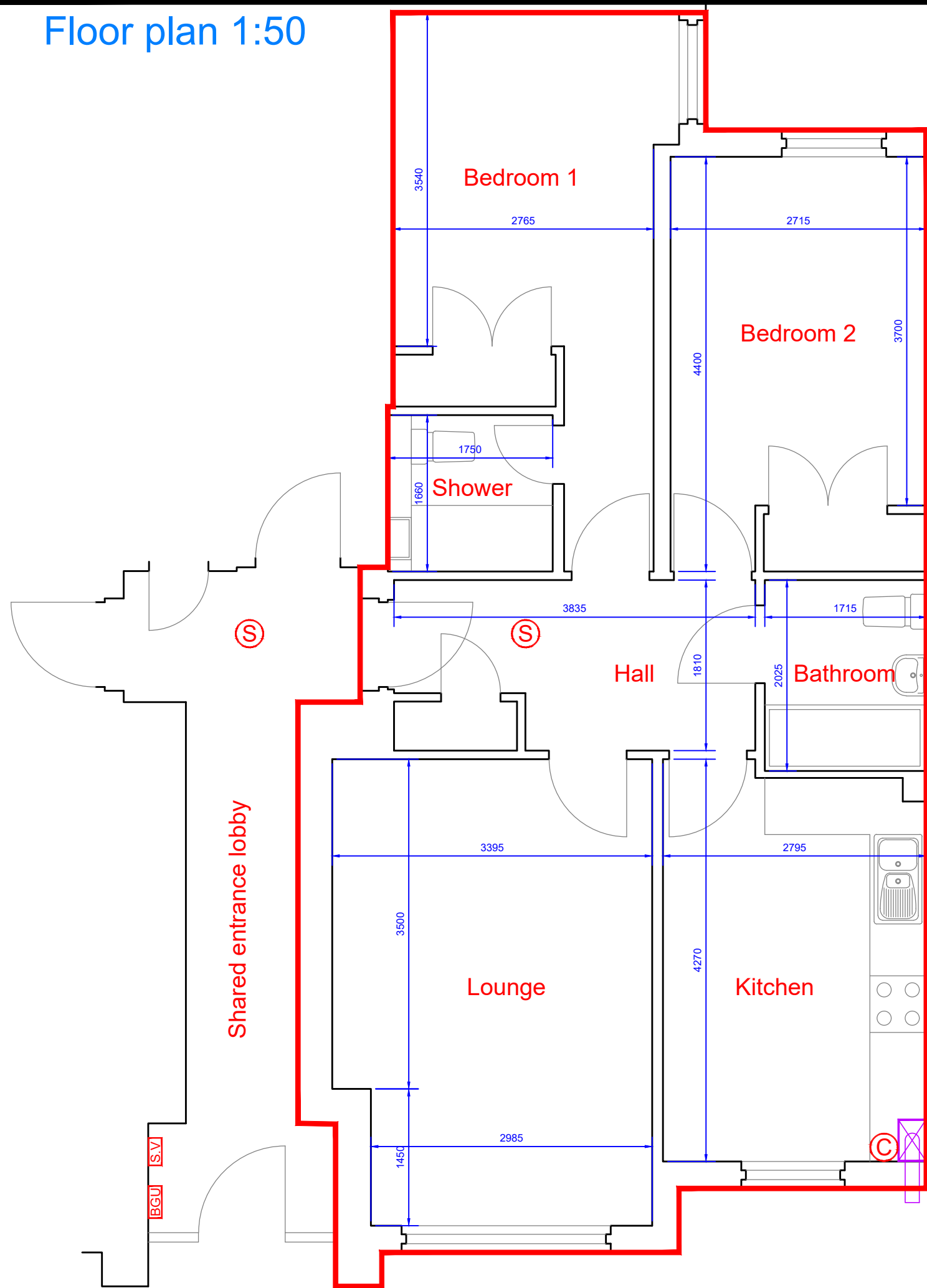
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CAD-420-001 Rev A



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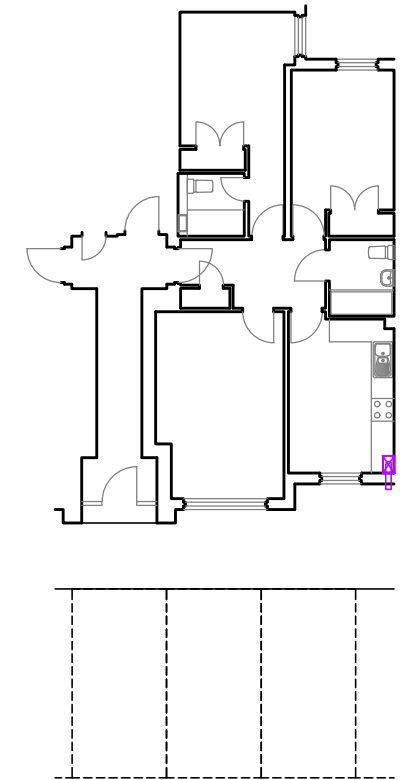
Floor plan 1:50



ELECTRICAL LEGEND

- Ⓢ SMOKE DETECTOR
- Ⓢ.V SMOKE VENT SWITCH
- Ⓒ CARBON MONOXIDE DETECTOR
- B.G.U. BREAK GLASS UNIT

REVISIONS



Part site plan 1:200

CAMERON ARCHITECTURAL DESIGN	7 Riverside Gardens, Inverness
	Mr Alastair Rhind
	Floor plans & site plan
	1:50/200 @ A3
	CAD-420/001
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To: Gary Somers (Legal Team (Licensing))
Subject: RE: FS-Case-548321795, Flat 7 ,Riverside Gardens, IV35TB

From: Alan Rose [REDACTED]
Sent: Thursday, September 26, 2024 10:26 PM
To: EH Short Term Lets [REDACTED]
Subject: Flat 7 ,Riverside Gardens, IV35TB

CAUTION: This email was sent from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To whom it may concern

I wish to object strongly on the use of Flat 7 being used as a Airbnb let and would like to complain that it should not.

On several occasions since January 2024 there has been noise of people coming in drunk and making unnecessary noise to other residents of the block.

The front door often gets left off the snib by people using the flat as they obviously only have one key which means a problem with security and some people have their bikes in hallway which could be at risk of theft.

The car parking space for that flat is often not parked in which annoys others staying in the block.

I had the rude landlord knocking at my door recently at 9pm at night who expected me to have a look it !!!

He borrowed my alarm key and hasn't even returned it.

I was furious.

Enough is enough and I do not wish this Flat 7 to be used as Airbnb for the reasons above as I live on the ground floor aswell.

Kind regards

Alan Rose



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Mura h-eil na beachdan a tha air an cur an cèill sa phost-d seo a' buntainn ri gnothachas Chomhairle na Gàidhealtachd, 's ann leis an neach fhèin a chuir air falbh e a tha iad, is chan eil iad an-còmhnaidh a' riochdachadh beachdan na Comhairle, no buidhnean buntainneach, agus chan eil am post-d seo na phàirt de chunradh sam bith mura h-eil sin air innse.

To: Gary Somers (Legal Team (Licensing))
Subject: RE: FS-Case-548321795, Flat 7 ,Riverside Gardens, IV35TB

From: Alan Rose [REDACTED]
Sent: Saturday, September 28, 2024 9:43 AM
To: EH Short Term Lets [REDACTED]
Subject: Re: Flat 7 ,Riverside Gardens, IV35TB

CAUTION: This email was sent from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Eleanor

There was some wording missing from my statement which I've no idea had disappeared.

I mentioned that the rude landlord had come knocking at my door because there was a fault showing on the communal alarm at front door which was causing a bleeping noise that his Airbnb guests were complaining about.

The fault was caused by the top floor tenant leaving faulty cistern to overflow and water leak down through 2 flats into my smoke alarm.

He figured I would just drop what I was doing at 9pm at night and sort the problem which had nothing to do with me.

If that can be added to my statement that would be appreciated

Kind regards

Alan