

Agenda item	3.9
Report no	HLC/74/25

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 29 April 2025

Report title: Application for the grant of a short term let licence – 34, Great Glen Place, Inverness, IV3 8FA (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 29 October 2024 a validated application for the grant of a short term let licence was received from Mr Christopher John Walsh.
- 4.2 The property to which the application relates is 34 Great Glen Place, Inverness, IV3 8FA (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 numbered "34" 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 Walsh and Mrs Sornon Suraiyakumari Walsh will be the hosts/operators of the Premises. The application was made after 1 October 2023 and, as such, the hosts/operators cannot operate the premises as a short term let until they have obtained a licence.
- 4.4 Mr and Mrs Walsh 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 Mr Walsh.
- 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 are described as a flat with communal entrance with a maximum occupancy of six guests. The Premises are comprised of three bedrooms (one en-suite), a further bathroom and an open plan kitchen/living room. Floor plans of the Premises were provided by the applicant as part of the application process, and these can be found on pages 2 and 3 of Appendix 1.

5. Process

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

- Police Scotland;
- Highland Council Building Standards; and
- Highland Council Environmental Health Service.

5.2 Police Scotland, Highland Council Building Standards 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 7 November 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 objections were received and are attached as Appendices to this report:

- Objection received by email on 12 November 2024 from Ms Rosemary Arthur **(Appendix 2)**.

8. Non-Timeous Objection

8.1 An objection was received on 2 November 2024 from Mr John Macleod, however this was received before the 28 day period for objections or representations had commenced, as detailed at point 6.1 of this report, and therefore this objection cannot automatically be considered by the Committee.

8.2 At the meeting Mr Macleod will be invited to address the Members as to the reason why the objection was submitted outwith 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 non-timeous objection and whether it should be heard.

8.3 If the Committee are minded to accept the non-timeous objection a copy will be circulated at the meeting. If not, the application will be determined in its absence.

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 both 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.
- 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 \(Licensing Committee\) \(highland.gov.uk\)](http://highland.gov.uk)

9. Observations on objections/representations

- 9.1 In the email 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. If required, the Principal Solicitor – Regulatory Services will offer further advice or clarification on these point.

10. Policies

- 10.1 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.

11. Implications

11.1 Not applicable.

Date: 9 April 2025

Author: Maureen Duffy

Reference: [FS644188765](#)

Background Papers:

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

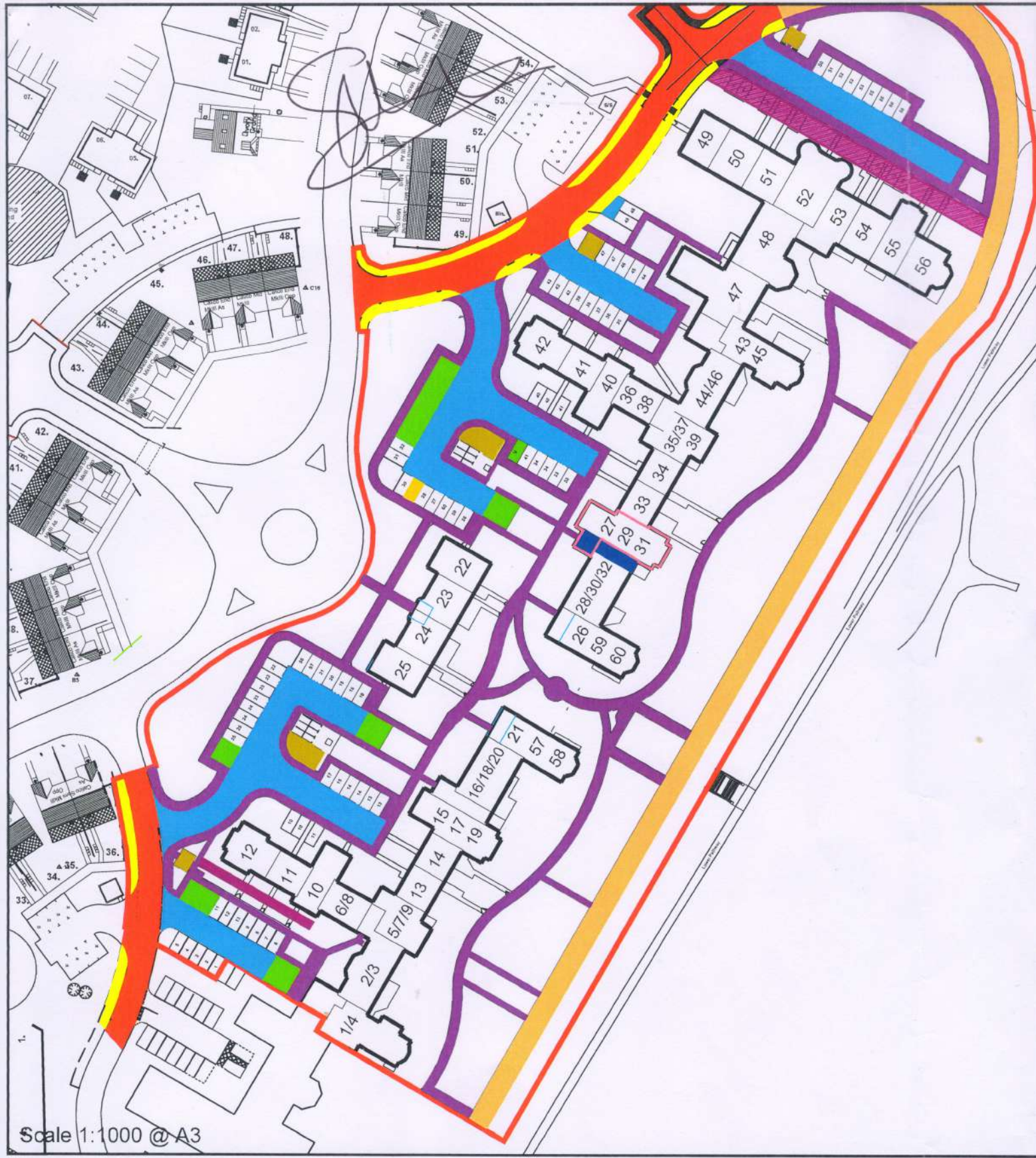
Appendices:

Appendix 1: Site plan and floor plan detailing the extent of the Premises.

Appendix 2: Objection received by email on 12 November 2024 from Ms Rosemary Arthur.

This is the Plan referred to in the foregoing Offer by Shepherd and Wedderburn LLP to ...

APPENDIX 1



Scale 1:1000 @ A3



Robertson House, Castle Business Park, Stirling FK9 4TZ
 Tel: 01786 431600 Fax: 01786 431650
 Email: info@robertson.co.uk
 www.robertsonhomes.co.uk



KEY:-

- Shared road
- Shared Footpath
- Private parking
- Visitor parking
- Bin store
- Emergency access

Plot 29
 34 Great Glen Place
 Inverness
 IV3 8FA

From: Rosemary Arthur [REDACTED]
Sent: 12 November 2024 18:47
To: STL Licensing
Subject: SHORT TERM LET APPLICATION

Categories: [REDACTED]

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.

Dear Highland Council officer

I have become aware that an application for a short term let licence has been made by Christopher John Walsh for property 34, Great Glen Place, Inverness, IV3 8FA.

This is a residential property, where all but one of the 6 flats is owner occupied. The other flat is rented out but only on a long term letting arrangement. A few other properties in the development are used as short term lets but permanent residents have experienced excessive noise late in the evening, and rubbish not being appropriately disposed off . Permanent residents become frustrated when bottles are left by the bins. As one of the residents, I am concerned that another flat is to be let out on a short term letting basis, without regard for the impact on current residents. I consider that the application should be rejected.

yours faithfully

Rosemary Arthur

Address

[REDACTED]