

Agenda item	6.2
Report no	HLC/81/25

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 13 May 2025

Report title: Application for the grant of a short term let licence – Grandview, 3 Elgol, Isle of Skye, IV49 9BT (Ward 10 – Eilean a' Cheò)

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 10 September 2024 a validated application for the grant of a short term let licence was received from Miss Deborah Warren.
- 4.2 The property to which the application relates is Grandview, 3 Elgol, Isle of Skye, IV49 9BT (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 Miss Deborah Warren, Miss Claire Amanda Warren and Mr Nigel Warren will be the hosts/operators of the Premises. The hosts/operators have 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 Nigel Warren, Miss Deborah Warren and Miss Claire Warren 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 Miss Deborah Warren.
- 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 detached dwellinghouse able to accommodate a maximum of six guests. The Premises are comprised of 3 bedrooms, 2 bathrooms, an open plan kitchen/dining area, living room and workshop. 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; and
- Highland Council Environmental Health Service.

5.2 Police Scotland and the Highland Council's Environmental Health Service have both confirmed that they have no objections to the application.

5.3 The Scottish Fire & Rescue Service was not further consulted on the application as the fire safety checklist, which was completed by the applicant, pertaining to the application was deemed satisfactory.

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 25 September 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 18 October 2024 from Mr Michael MacKinnon **(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 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

9.1 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.

10. Implications

10.1 Not applicable.

Date: 23 April 2025

Author: Maureen Duffy

Reference: [FS550119136](#)

Background Papers:

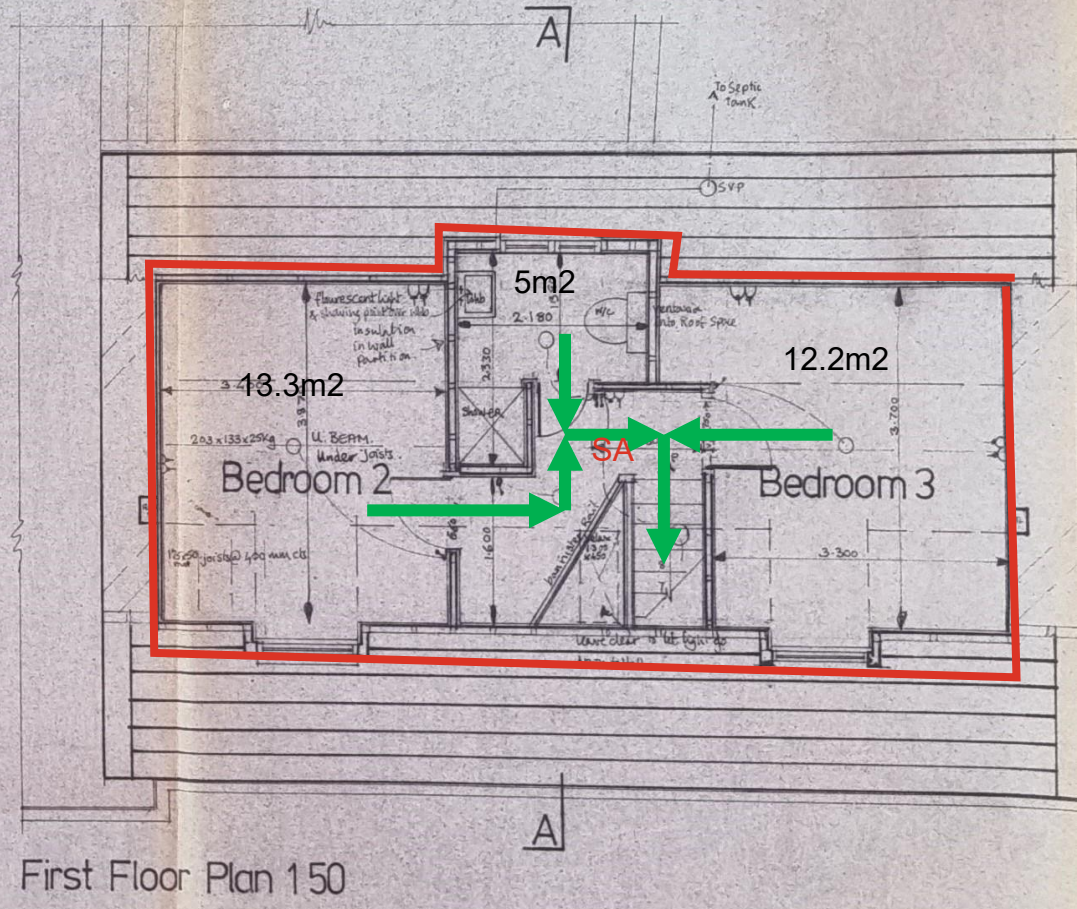
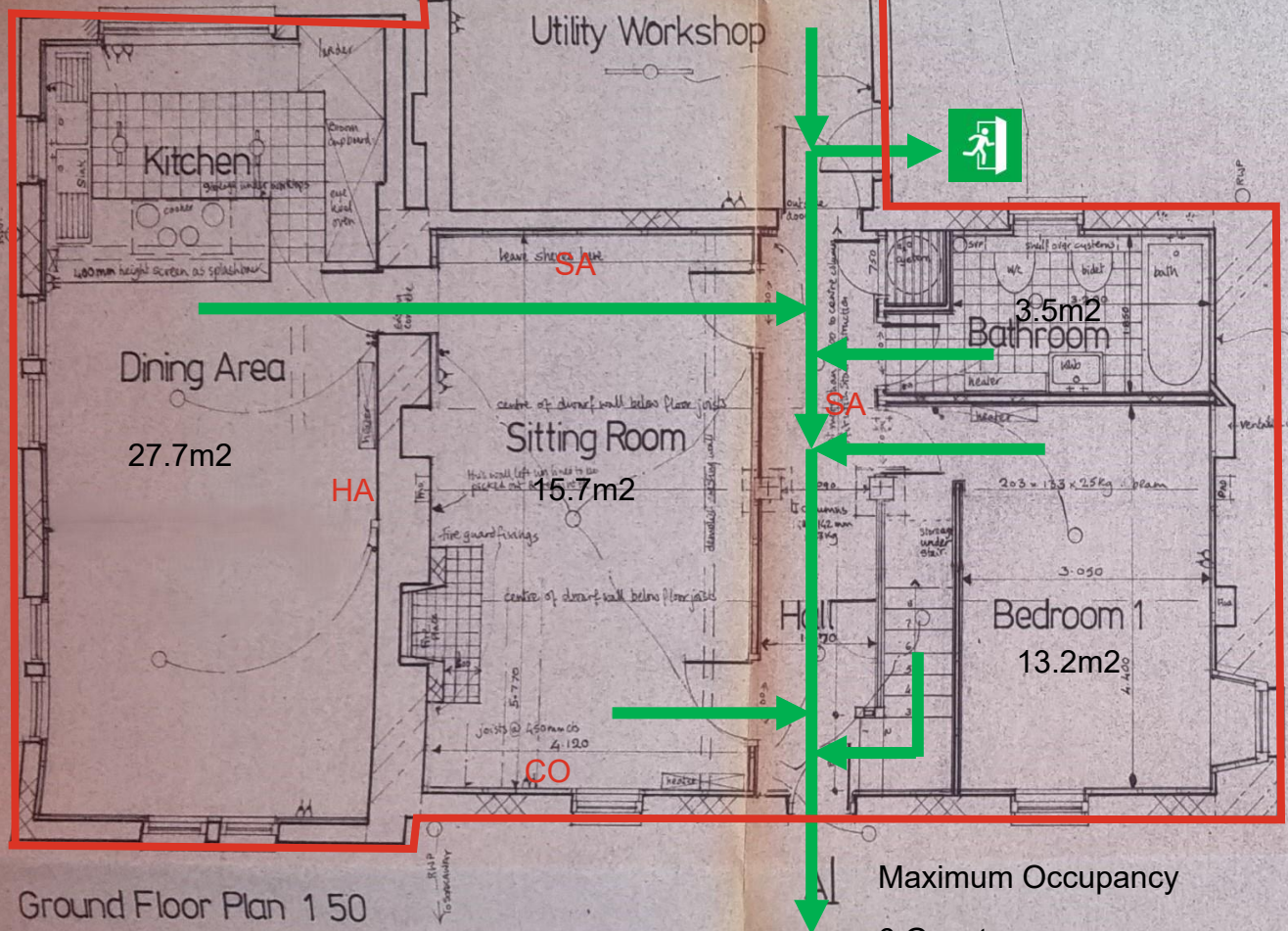
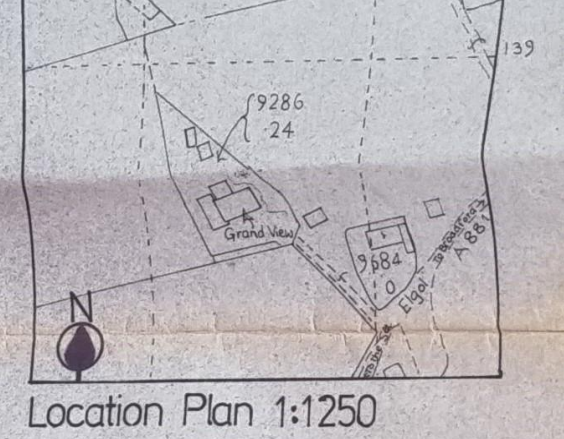
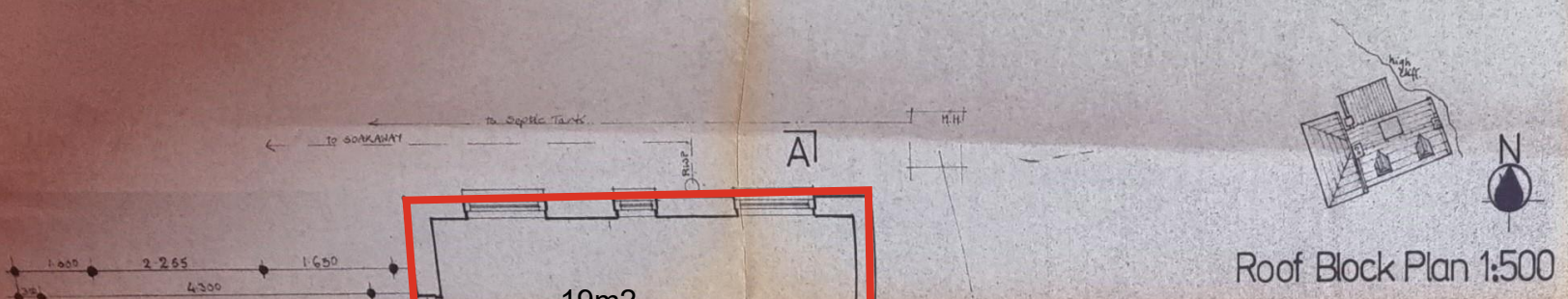
- Civic Government (Scotland) Act 1982
- The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022

Appendices:

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

Appendix 2: Objection received by email on 18 October 2024 from Mr Michael MacKinnon





Maximum Occupancy
6 Guests



From: Michael MacKinnon [REDACTED]
Sent: 18 October 2024 10:44
To: STL Licensing
Subject: Objection/ Representation of STL application for Grand View, 3 Elgol by Deborah Warren
Attachments: Representation- STL licence at Grand View 3 Elgol- from M MacKinnon.png;
Representation to STL Application at Grand View- 3 Elgol.pdf
Categories: Mairi, Objection

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,

Please see attached scan of signed letter and PDF version of objection to the STL licence application by Deborah Warren for the property Grand View , 3 Elgol. IV49 9BJ

Kind regards,

Michael MacKinnon

Michael MacKinnon

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Short Term Lets
The Highland Council
Taigh Na Sgìre
Park Lane
Portree

18th October 2024

Subject: Representation to Short Term Let Licence Application by Deborah Warren for Grand View, 3 Elgol, Isle of Skye, IV49 9BJ

To whom it may concern,

I would like to inform the authority on this STL licence application that the current sewage tank at Grand View, 3 Elgol has long since failed and is approximately 30 years past its useful or intended lifespan. I cannot support this application with it having a negative impact on my croft and grazing land.

This septic tank has no soakaway and is visibly fractured and discharging raw sewage onto the croft and contaminating grazing land at 2/3 of 3 Elgol. The tank is not within the applicant's property boundaries and no wayleave is in place for the tank.

The failed tank has not been maintained and is long beyond repair. The tank will be required to be removed from the croft and the contaminated surrounding ground with it. I have been in communication with the STL applicant, and we are looking to resolve this matter. However, I can not support this application until this matter has been resolved.

Deborah Warren has agreed via email to make progress towards the removal of the failed tank/ contaminated ground and installation of a new treatment plant and soakaway within the property's own boundary. I would support this application if this matter was resolved, and I am willing to help the applicant with access to do so.

I look forward to hearing from you on this matter.

Kind Regards,

Michael MacKinnon

Croft Tenant

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]