

Agenda item	3.9
Report no	HLC/101/25

THE HIGHLAND COUNCIL

Committee: **THE HIGHLAND LICENSING COMMITTEE**

Date: **3 June 2025**

Report title: **Application for the grant of a short term let licence – 1 Miers Avenue, Inverness, IV2 3SB (Ward 16 – Inverness Millburn)**

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 31 March 2025 a validated application for the grant of a short term let licence was received from Mr Kevin MacDonald, agent on behalf of DEB Properties Ltd (Company number SC792783).
- 4.2 The property to which the application relates is 1 Miers Avenue, Inverness, IV2 3SB (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 DEB Properties Ltd 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 DEB Properties Ltd 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 Donald Ewan Bradley.
- 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 semi-detached house which can accommodate a maximum capacity of six 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;
- Highland Council Environmental Health Service; and
- Highland Council Building Standards.

5.2 Police Scotland, the Highland Council's Environmental Health Service, the Highland Council Building Standards have all 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 1 April 2025.

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 2 April 2025 from Mr Alastair Cheyne **(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 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 \(Licensing Committee\) \(highland.gov.uk\)](#)

9. Observations on objection

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

10. 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.

11. Implications

11.1 Not applicable.

Date: 6 May 2025

Author: Patrycja Bujdasz

Reference: [FS701424149](#)

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;
and

Appendix 2: Objection received by email on 2 April 2025 from Mr Alastair Cheyne.

Appendix 1

Scale: 10 0 10 20 30

CUTHBERT ROAD

MIERS AVENUE

1

43

41

39

13

12

22

2

45

13

27

6

94

78

62

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133

134

135

136

137

138

139

140

141

142

143

144

145

146

147

148

149

150

151

152

153

154

155

156

157

158

159

160

161

162

163

164

165

166

167

168

169

170

171

172

173

174

175

176

177

178

179

180

181

182

183

184

185

186

187

188

189

190

191

192

193

194

195

196

197

198

199

200

201

202

203

204

205

206

207

208

209

210

211

212

213

214

215

216

217

218

219

220

221

222

223

224

225

226

227

228

229

230

231

232

233

234

235

236

237

238

239

240

241

242

243

244

245

246

247

248

249

250

251

252

253

254

255

256

257

258

259

260

261

262

263

264

265

266

267

268

269

270

271

272

273

274

275

276

277

278

279

280

281

282

283

284

285

286

287

288

289

290

291

292

293

294

295

296

297

298

299

300

301

302

303

304

305

306

307

308

309

310

311

312

313

314

315

316

317

318

319

320

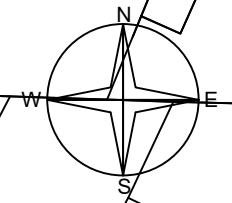
321

322

323

324

<



Construction (Design and Management) Regulations 2015 (CDM 2015)
The CDM2015 Regulations place health and safety duties on clients
(including domestic clients), designers, contractors, principal designers
and principal contractors that are involved in construction work.
Due to its structural nature, information provided on a building drawing is
important and significant and should be taken into account in CDM 2015
conducted by all parties to govern the management of health, safety and
welfare when undertaking construction projects.

It is essential that the project is built to the approved drawings and specifications approved by Planning and Building Standards any unauthorised modifications will incur further council fees and additional architectural fees and may result in not gaining a Completion Certificate from the Local Authority.

WHERE AN SER CERTIFICATE IS INCLUDED
Managing Post Certification Design Changes
Introduction

specifications and other documents some, but not all, of which will accompany the application lodged with the Verifier (Local Authority). The plans that accompany the building warrant application should illustrate the design that has been certified. It is not uncommon for designs to continue to evolve up to and beyond the point at which construction drawings are issued. The design should be in a position to allow certification, where the change is not significant, or to allow the design to be certified as the basis of the construction drawings.

The purpose of this Guidance Note is to provide Certifiers and their clients with guidance on the risks associated with post-certification design change and to suggest some strategies for managing these risks.

IMPORTANT:
Screen shots must Not Contain references to following COVID protocol with the Building Inspectors.
Screenshots must only show the information requested to be given to Building Inspectors and what is visible in a photograph. Screenshots must not be directly annotated or annotated with any text.
Screenshots must be taken from a public view of the building and not from a private view.
Screenshots must not have a copy or access to a photo album contain screenshots.

A diagram showing a triangle with an interior point labeled 'X'. A line segment is drawn from point 'X' to the right side of the triangle, and this segment is labeled with the number '2'.

Day	Date		Description
		×	

 **Building Design**
Architectural Technologist MCIAI &
Energy Design Consultant
Approved Certifier of Design for (Section 5 - Energy)
for Domestic Building

07485228570 (mobile)
e mail: kvmbuildingdesign@outlook.com
website: www.kvmbuildingdesign.co.uk



Mr D Bradley El Sub S

Short Term Let Application
at 1 Miers Avenue,
Inverness IV2 3SB

Site Plan

7. \times

Printer: 3500	Paper Size: A3
Drawn: K. MacDonald	Status: STL Application
Date: 6/29/2008	

Drawing No:	Revision:
1322.227.02	

copyright©

- hd

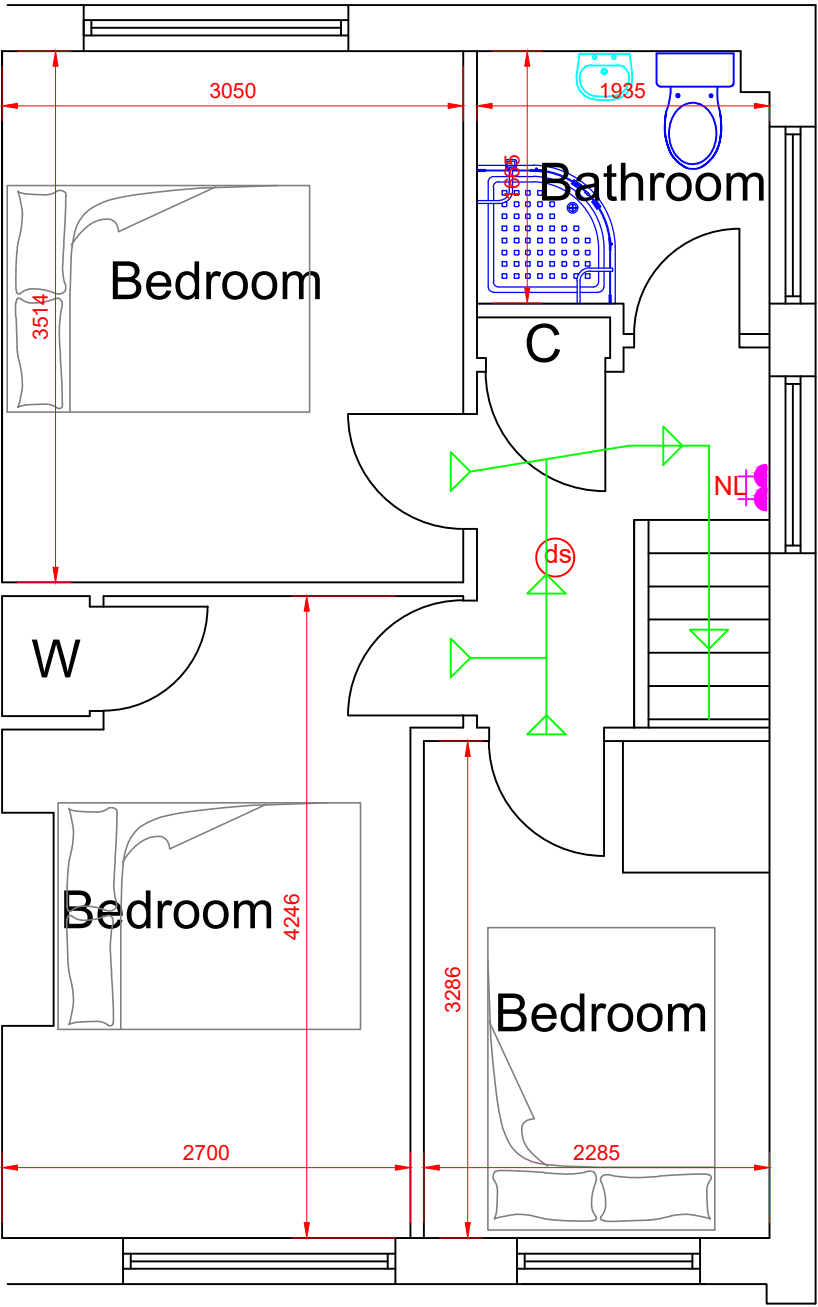
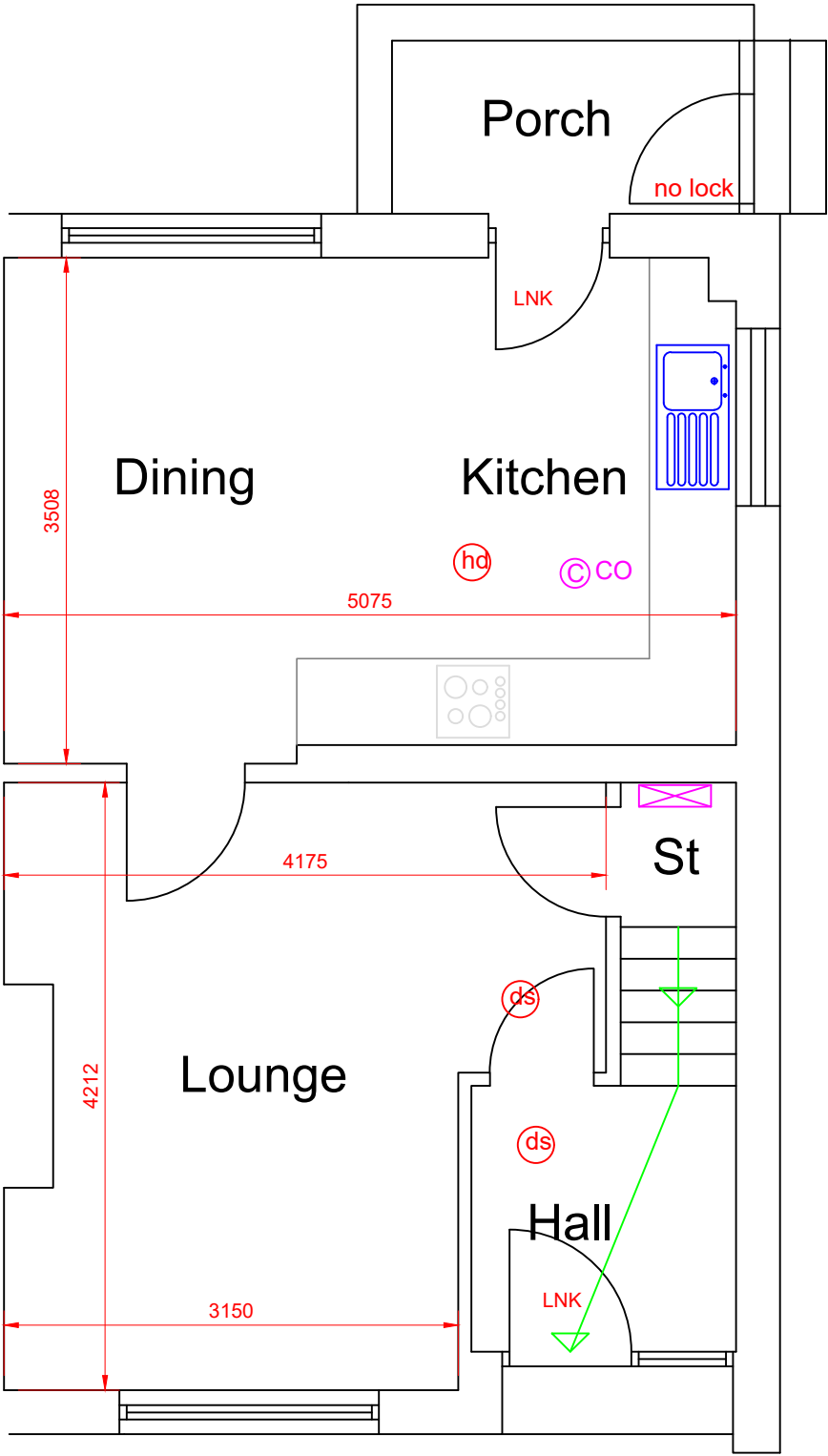
heat detector
- ds

smoke detector
- LNK

Lock no key
- ©CO

Carbon Monoxide Detector
- Distribution / Fuse Board.
- ESCAPE ROUTE
- 13 Amp. Switched Double Socket Outlet.
- NL

PIR Night light - Battery back up



Occupancy - 6 Persons Maximum

Written dimensions to be taken in all cases.
Contractor to check all sizes on site prior to works commencing.
Any discrepancies to be reported immediately to client/architect.
Do not scale from drawings.

Notes:

Construction (Design and Management) Regulations 2015 (CDM 2015)
The CDM2015 Regulations place health and safety duties on clients (including domestic clients), designers, contractors, principal designers and principal contractors that are involved in construction work. Due to its structural nature, information provided on this drawing is Important and Significant and should be taken into account in CDM duties conducted by all parties to govern the management of health, safety and welfare when undertaking construction projects.

It is essential that the project is built to the approved drawings and specifications approved by Planning and Building Standards. Any unauthorised modifications will incur further council fees and additional architectural fees and may result in not gaining a Completion Certificate from the Local Authority.

WHERE AN SER CERTIFICATE IS INCLUDED
Managing Post Certification Design Changes
Introduction
A Certifier will sign the design certificate following an examination of plans, specifications and other documents some, but not all, of which will accompany the building warrant application lodged with the Verifier (Local Authority). The plans that accompany the building warrant application should illustrate the design that has been certified. It is not uncommon for designs to continue to evolve up to and even beyond the point at which construction drawings are issued. Any alteration of the design following certification, where the change is not subsequently approved by the Certifier, could result in the safety of the structure being compromised.
The purpose of this Guidance Note is to provide Certifiers and their clients with guidance on the risks associated with post-certification design changes and to suggest some strategies for managing these risks.

IMPORTANT:
Please note that ALL Clients/Contractors to follow the CDMP included with the Building Warrant. The CDMP states that notification is required to be given to Building Standards and that notice of notification is required. Failure to comply could result in non-compliance and rejection of a Completion Certificate.
Each CDMP is site specific. If you don't have a copy or access to a copy please contact ourselves.

Rev	Date	Description

KVM

Building Design
Architectural Technologist MCIAT &
Energy Design Consultant
Approved Certifier of Design for (Section 6 - Energy)
for Domestic Buildings
07485228570 (mob)
e mail: kvmbuildingdesign@outlook.com
website: www.kvmbuildingdesign.co.uk

 CIAT

CHARTERED PRACTICE

client

Mr D Bradley

project

Short Term Let Application
at 1 Miers Avenue,
Inverness IV2 3SB

Drawing Title:

Floor plans

Scale:	Paper Size:
1:50	A2
Drawn: k macdonald	Status: STL Application
Date: 28/02/2025	
Drawing No: 1322.227.01	Revision

copyright©

Appendix 2

Patrycja Bujdasz (Legal Team (Licensing))

From: Alastair Cheyne (NHS Highland) [REDACTED]
Sent: 02 April 2025 16:32
To: STL Licensing
Subject: Objection letter.

Categories: Objection, Trisha

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.

Alastair Cheyne



To whom it may concern,

I am writing to express my opposition to the proposed issue of a short-term let license at No1 Miers avenue , Inverness.

I am strongly oppose to this as I feel there will be considerable adverse impacts in terms of noise, through put of strangers to the street, traffic and parking. This causing undue stress and anxiety for residents, many who have been there for years.

Also devaluation of private homes in the immediate vicinity.

Drakies is a popular area with both old and young alike, many who like myself work at the local hospital. I feel this will only lead a loss in the sense of community if this becomes the norm and allowed to happen all over. I actually feel that this type of venture which I presume will be for a Air B and B type scenario is morally wrong and is essentially what is leading to a lack of affordable private housing in Inverness.

I trust this application will be recommended for refusal.

Yours faithfully,

Alastair Cheyne.

This email is intended for the named recipient only. If you have received it by mistake, please (i) contact the sender by email reply; (ii) delete the email from your system; . and (iii) do not copy the email or disclose its contents to anyone.

