

Agenda item	<b>11.1</b>
Report no	<b>HLC/112/25</b>

## **THE HIGHLAND COUNCIL**

**Committee:** **THE HIGHLAND LICENSING COMMITTEE**

**Date:** **24 June 2025**

**Report title:** **Application for the grant of a short term let licence –  
51c King Street, Inverness, IV3 5DG (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 23 April 2025 a validated application for the grant of a short term let licence was received from Mrs Lynn Melvin.
- 4.2 The property to which the application relates is 51c King Street, Inverness, IV3 5DG (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 within the building edged in red on the plan on page 1 of Appendix 1 and marked up as 51c.
- 4.3 The application for the short term let licence has been made on the basis that the said Mrs Melvin 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 Mrs Melvin 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 Mrs Melvin.
- 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 flat with communal entrance 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;
- 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 Highland Council Building Standards have all confirmed that they have no objections to the application.

5.3 At the time of writing this report, Scottish Fire & Rescue Service have not provided a response to the consultation request. If available, a verbal update will be provided to the Committee by the Principal Solicitor – Regulatory Services.

## **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 2 May 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/are attached as an Appendix 2 to this report:

- Objection received by email on 3 May 2025 from Mr Vernon Davies (**Appendix 2**); and
- Objection received by email on 29 May 2025 from Mrs Margaret Mahon (**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 the applicant and 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.
- 8.3 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)

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

- 9.1 In the emails 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: 27 May 2025

Author: Patrycja Bujdasz

Reference: [FS707857069](#)

Background Papers:

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

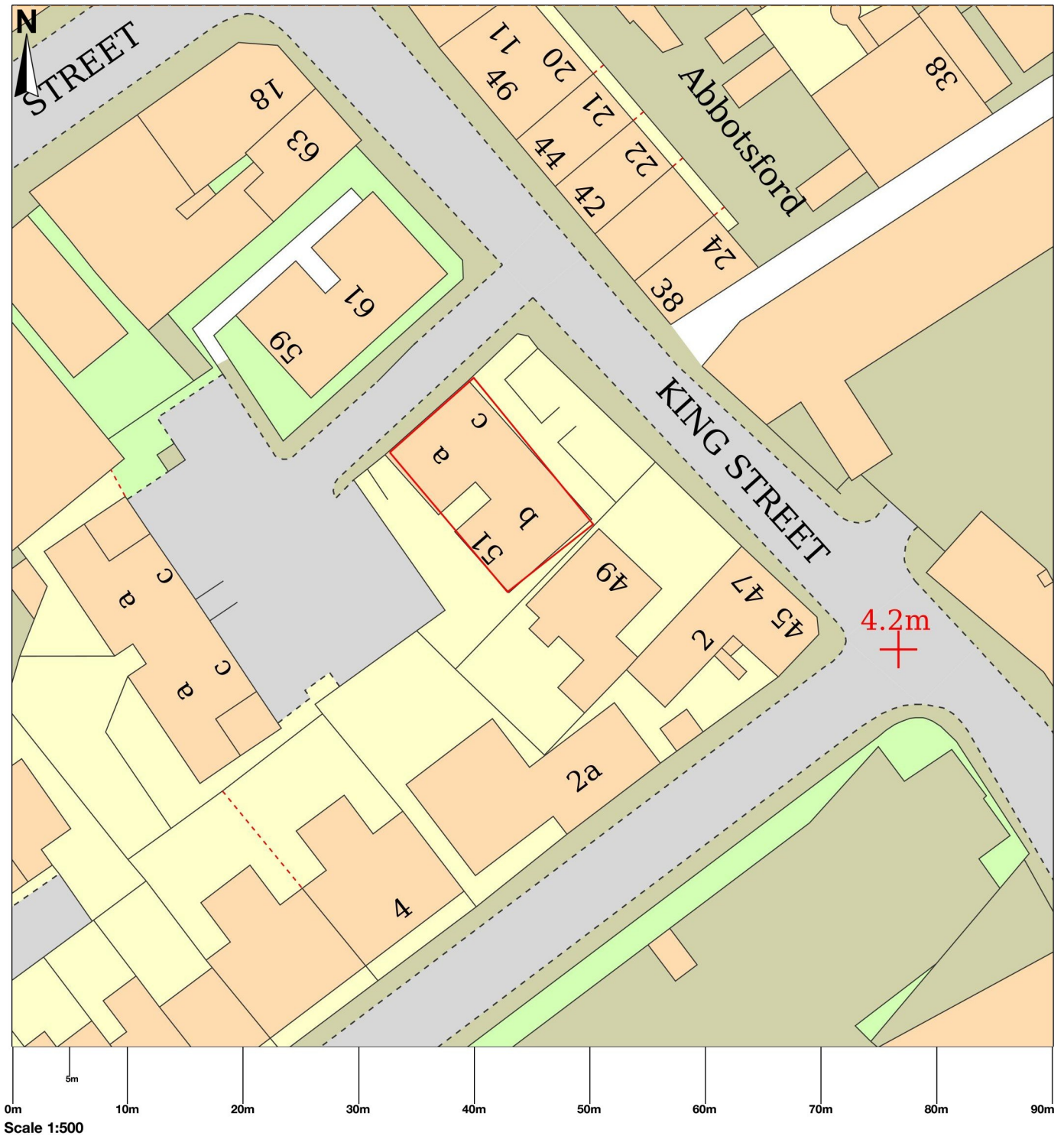
Appendices:

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

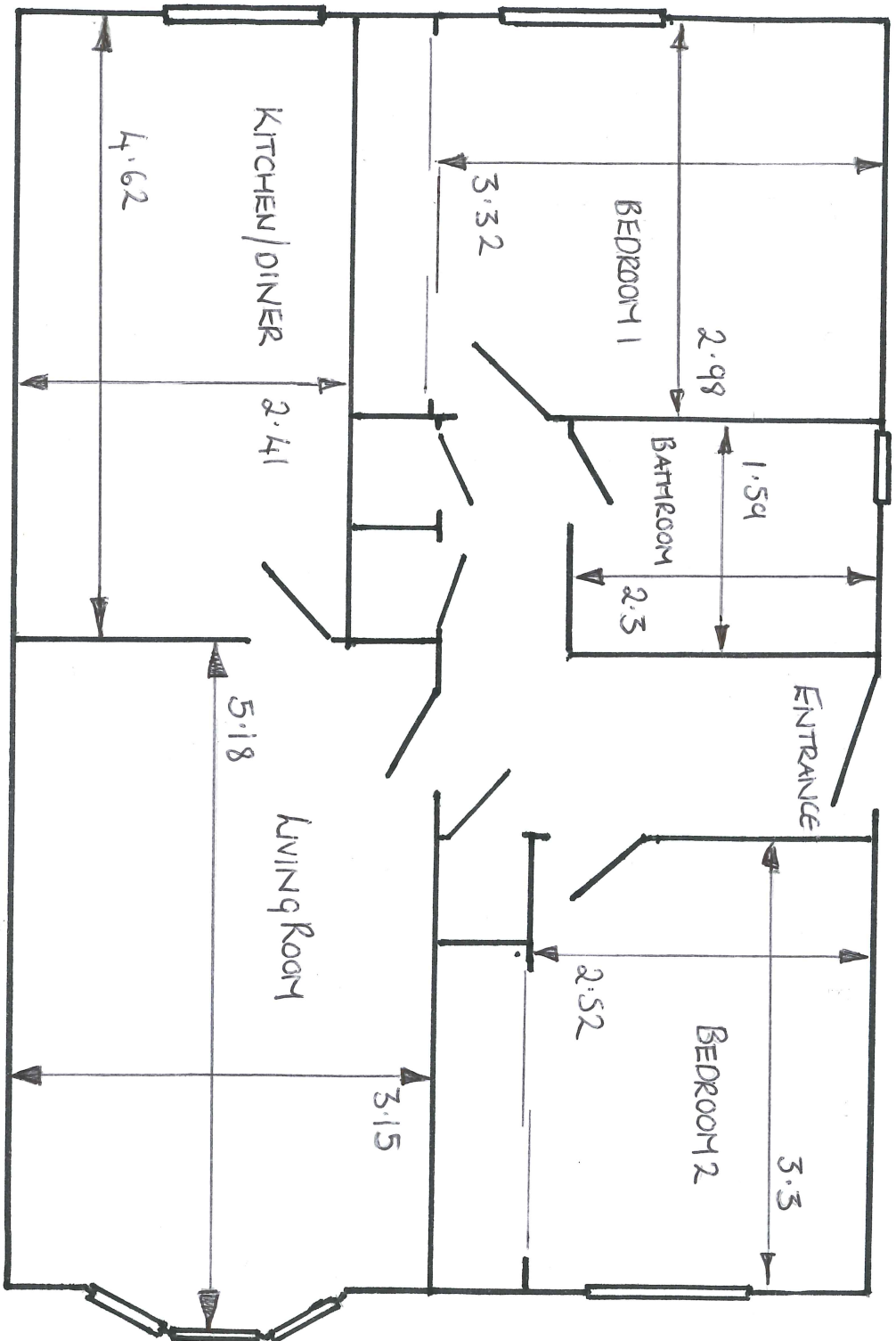
Appendix 2: Objection received by email on 3 May 2025 from Mr Vernon Davies; and

Appendix 3: Objection received by email on 29 May 2025 from Mrs Margaret Mahon.

## 51c, King Street, Inverness, IV3 5DG



FLOOR PLANS  
51 C KING STREET  
INVERNESS IV3 5DQ



0 0.5 1 2 3 4 5m.  
SCALE 1:50

# Appendix 2

**Patrycja Bujdasz (Legal Team (Licensing))**

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**From:** vernonconnelldavies [REDACTED]  
**Sent:** 03 May 2025 19:37  
**To:** STL Licensing  
**Subject:** Opposition to AirBnB licence 51C King street  
**Attachments:** Screenshot from 2025-05-03 19-14-31.png  
  
**Categories:** Trisha, 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.

hi there,

My name is Vernon Connell Davies, I live at [REDACTED]. I have rented this flat since March 2022 from my landlord.

I am writing today in response to a application notice put up at the entrance of my flat of an AirBnB licence at 51C King street (in my flat block).

I am a student with UHI Inverness and also work at Carr Gomm in Victoria Market.

I have multiple reasons of opposition, the first being there is already 4 short term lets in the surrounding area (3 in the opposite flat block, and 1 inside my own flat block at 51A). I have attached a map from Google maps with evidence of my statement (the pink icons are short lets) plus my own experiences day to day. I come into contact with the guests of 51A regularly. I have already voiced my concerns about the back close door sometimes being left unlocked (to the Council) and it is a security risk at times. There is a notice sign on the inside that reminds people and I cannot say with absolute certainty that it is the short term let guests but I do not think it is my neighbors who leave the door unlocked at times (which is a security risk).

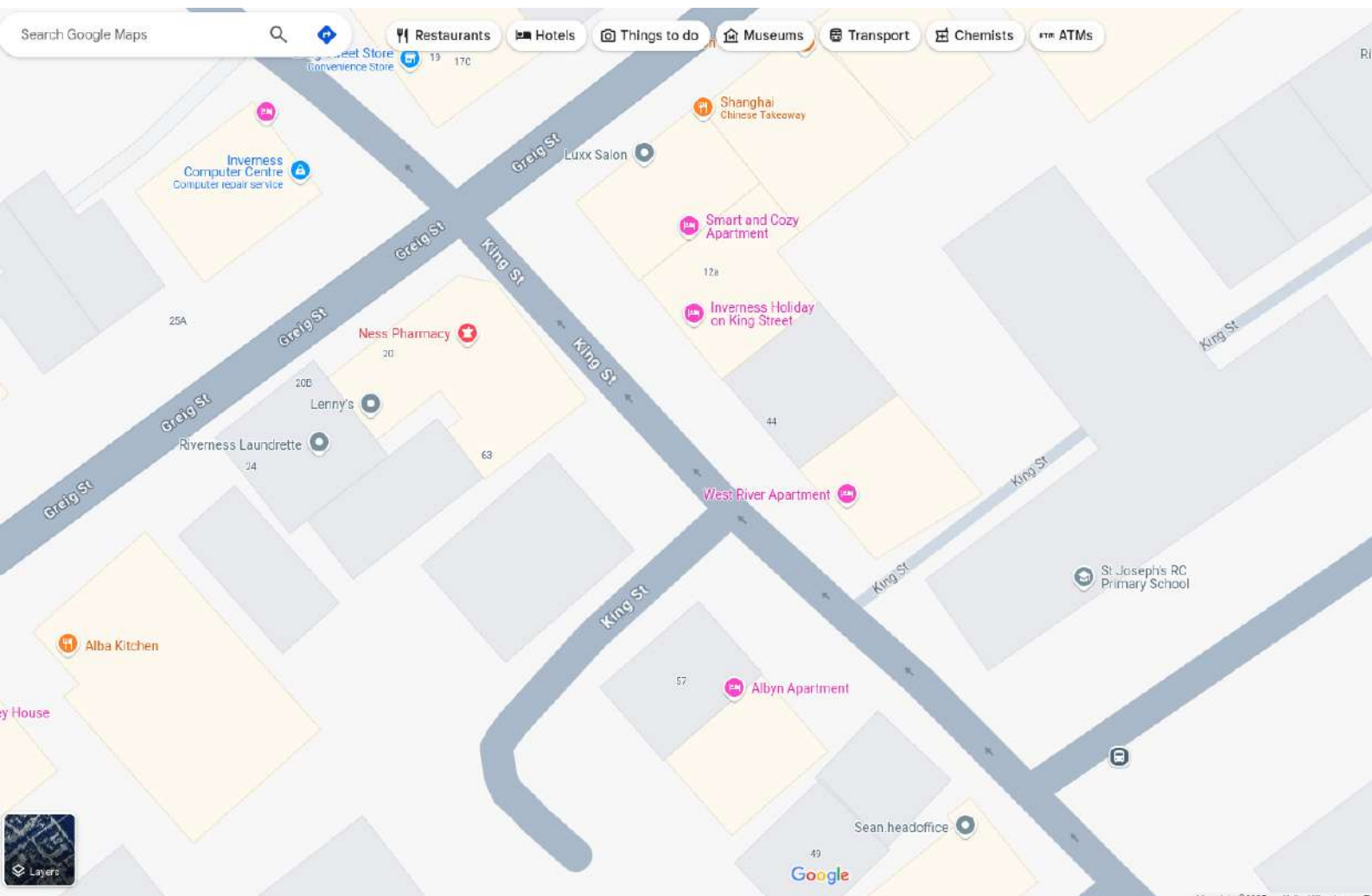
Secondly, I have heard it from my neighbor, Margaret, [REDACTED], that the previous tenant, Lorna, has had to give up her job and relocate back with her parents as a result of her tenancy being terminated. I have met with Lorna on one occasion and I find her to be a quiet and easy going and considerate neighbor. I know the landlord has the right to terminate the tenancy however I do feel that there needs to be a balance between AirBnB lets and community tenants. I don't feel the short term let guests that we already receive contribute in any way to the community. I have never even had a conversation with them. I myself pick up litter (from in front of our block) at times which seems to blow from other areas of the neighborhood. I take out the bins (so does Scott of 53C king street) myself on bin days. I myself petitioned the council to get more recycle containers due to overflowing. If there is any anti social behaviour its Margaret and Scott who stamp it out. I like my neighbors Scott of 53C and Margaret of 53B and I do feel another short let is a loss for the local community. I myself work in Victoria Market so I know the value tourism brings this town however there needs to be locals too and a balance must be reached.

If you need to reach me I can be contacted by email, postal mail or by mobile [REDACTED]. I will be happy to answer any questions on this position.

Yours Sincerely, Vernon Davies [REDACTED]

Sent with [Proton Mail](#) secure email.





# Appendix 3

## Patrycja Bujdasz (Legal Team (Licensing))

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**From:** Margaret Mahon [REDACTED]  
**Sent:** 29 May 2025 15:33  
**To:** STL Licensing  
**Subject:** 51c King Street, Inverness

**Categories:** Trisha, 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.

Good afternoon

I hereby object to a short term let licence being granted for the above property.

I live in this block of flats and allowing another short term let property in the block will be cause too many disruptions due to holiday makers coming and going at all different times, carrying suitcases up the stairs and being on a completely different holiday timetable to the residents who live and work here on a permanent basis and have to sleep well to attend and perform at work.

I am a resident here in a block of six, there is already a short term let property located in the on the ground floor and allowing another property, located in the upper floor to be used for the same purpose will disrupt the block and may interfere with my work.

Having two short term lets in the same block and on a street that has approximately six short term lets nearby is causing too much disruption to the neighbourhood, the bins are overflowing, the street is full of litter from the overflowing bins because the lids don't close properly, there is insufficient parking arrangements, the noise from suitcases being wheeled along the street is irritating, car doors being slammed and guests coming and going at all hours of the day and night, sometimes under the influence of alcohol.

There is no longer the opportunity to get to know your neighbours any more as guests are here for a few nights then gone again which has changed the feel and overall interactions within the street and destroyed the community spirit, whereby neighbours used knew one another and had good ongoing neighbourly relationships.

Furthermore, there is a housing crisis and granting a licence will remove this property from the rental market when rentals properties are in high demand but short supply.

Also the owner of the property would have to ensure that there is adequate provision in place to ensure that guests arrive and vacate at reasonable times without causing any disruption to residents, which cannot be guaranteed as it would be dependent on their travel arrangements.

I hope that this is taken into careful consideration and the application is rejected.

Thank you

*M Mahon*

