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| Agenda item | 11.3 |
| Report no | HLC/114/25 |

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 24 June 2025

**Report title: Application for the grant of a short term let licence –
The Willows, 1 Albermarle Place, Douglas Street, Nairn, IV12
4DL (Ward 18 – Nairn and Cawdor**

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 11 February 2025 a validated application for the grant of a short term let licence was received from Mr Conner Brown.
- 4.2 The property to which the application relates is The Willows, 1 Albermarle Place, Douglas Street, Nairn, IV12 4DL (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 coloured in pink 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 Brown 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 Mr Brown 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 Mr Conner Brown.
- 4.6 The type of letting which has been applied for is 'home letting, which means the host/operator is using all or part of their own home for short-term lets whilst they are absent.
- 4.7 The Premises is described as a flat with private entrance 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;
- 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 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 11 February 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 objections were received and are attached as Appendices to this report:

- Objection received by email on 14 February 2025 from Ms Jane Douglas (**Appendix 2**); and
- Objection received by letter on 28 February 2025 from Mr Jim Patterson (**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 each of the objectors who, in the terms of paragraph 4(2) of the Civic Government (Scotland) Act 1982, have all 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 \(Licensing Committee\) \(highland.gov.uk\)](#)

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: 5 June 2025

Author: Patrycja Bujdasz

Reference: [FS686079669](#)

Background Papers:

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

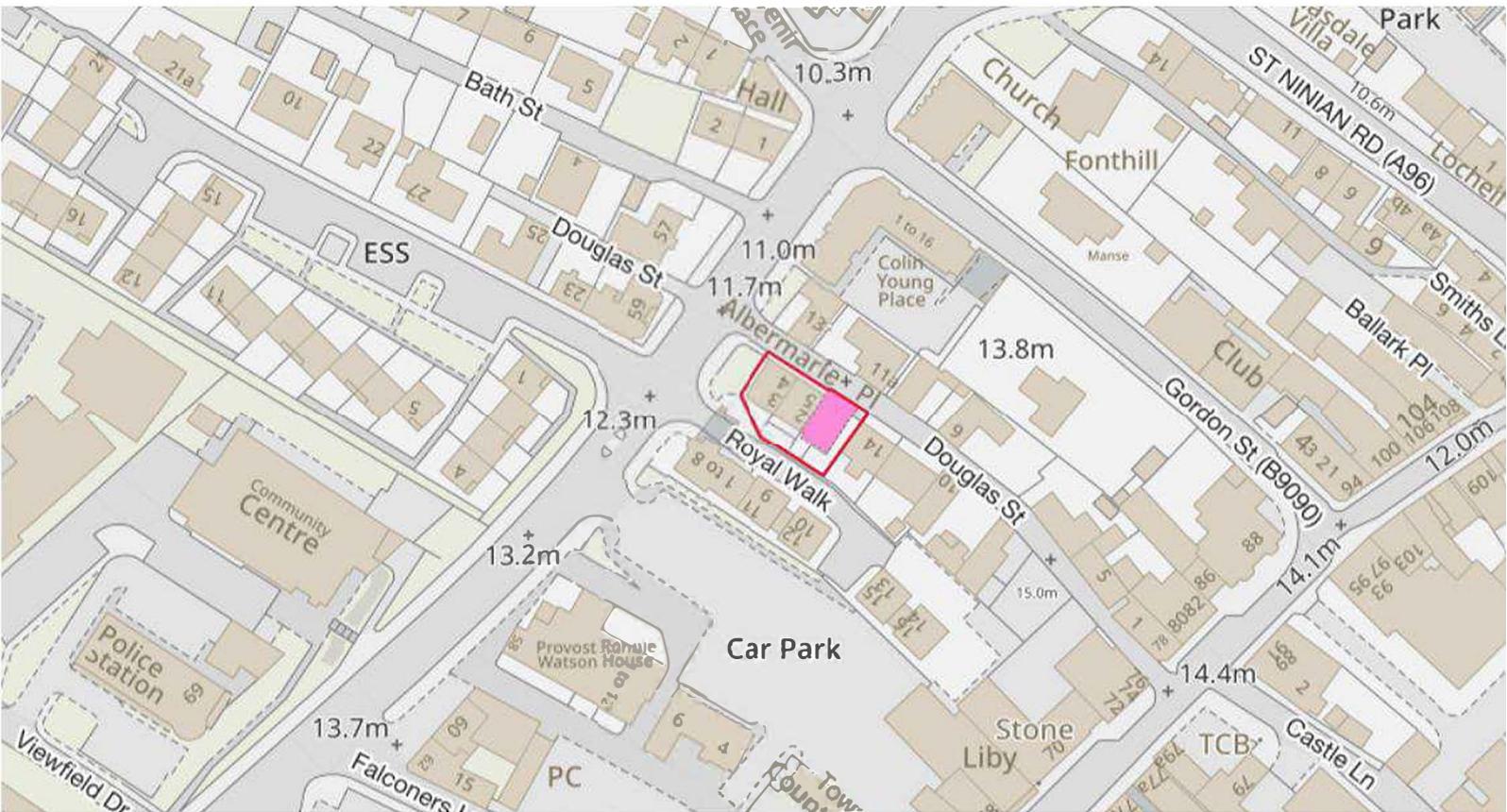
Appendices:

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

Appendix 2: Objection received by email on 14 February 2025 from Ms Jane Douglas; and

Appendix 3: Objection received by letter on 28 February 2025 from Mr Jim Patterson.

Appendix 1



OPEN PLAN LIVING ROOM/KITCHEN

6.30M X 3.90M

LEGEND

Hardwired Heat/Smoke Alarm



Carbon Monoxide Alarm



STORAGE

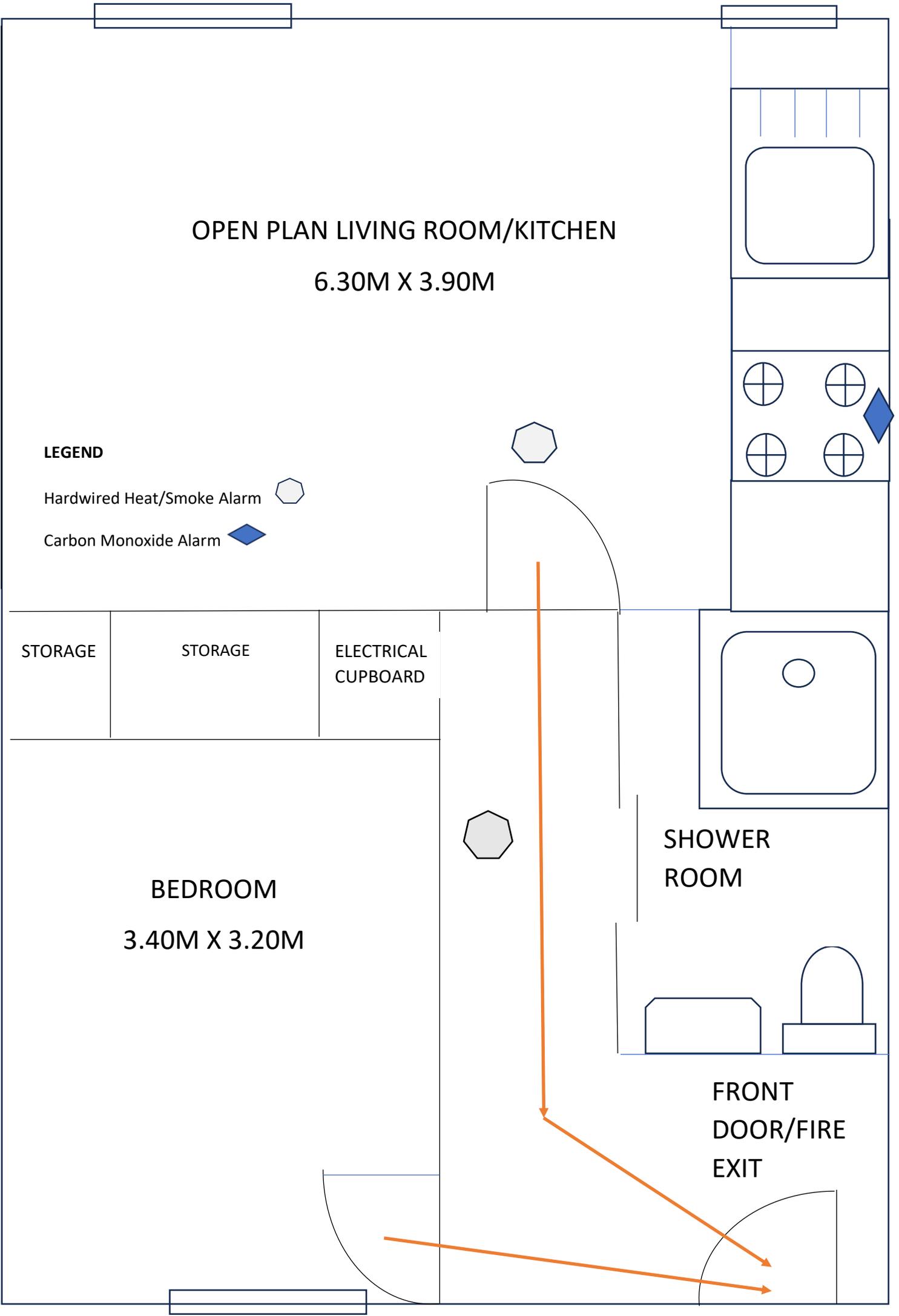
STORAGE

ELECTRICAL
CUPBOARD

BEDROOM
3.40M X 3.20M

SHOWER
ROOM

FRONT
DOOR/FIRE
EXIT



Appendix 2

Patrycja Bujdasz (Legal Team (Licensing))

To: Jane Douglas
Subject: RE: Short Term Licence Objection

From: Jane Douglas [REDACTED]
Sent: 14 February 2025 18:41
To: STL Licensing <STL@highland.gov.uk>
Cc: Alex Florence (Legal Team (Licensing)) [REDACTED]; Maureen Duffy (Corporate Governance) [REDACTED]
Subject: Re: Short Term Licence 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.

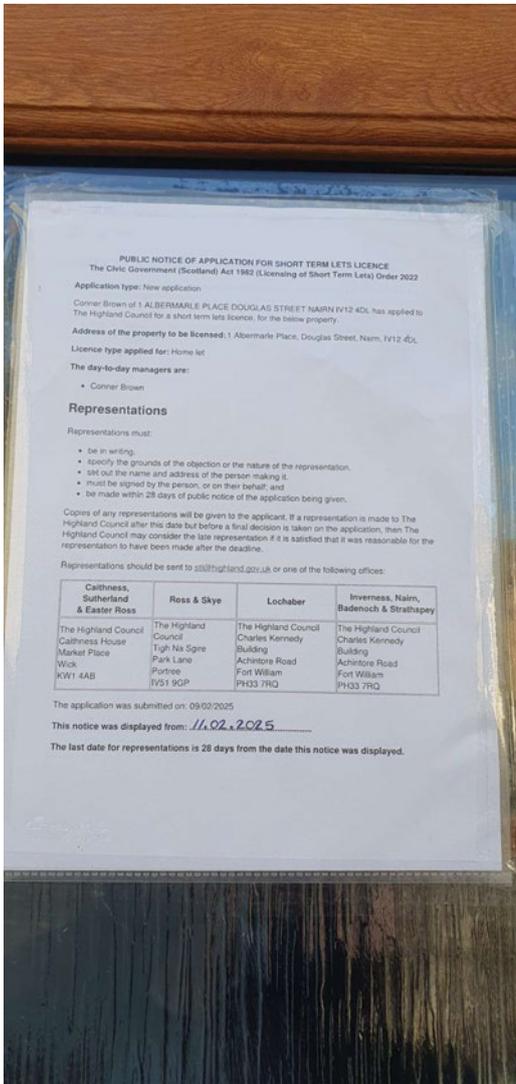
Hello

My address is [REDACTED]. The house applying for the license is directly below my house.

Jane

From: Jane Douglas [REDACTED]
Sent: 14 February 2025 11:52
To: STL Licensing <STL@highland.gov.uk>
Subject: Short Term Licence 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.



1 Albermarle Place, Nairn, IV12 4DL: Connor Brown

Dear,

Highland Council

I am horrified to see that the flat below mine is applying for a short term lets licence. Which means Air B&B. I have just bought the property of [REDACTED]. Before I lived here my mother lived here. In her time an Air B&B popped up right next door. Which it still is today. So my maisonette will then be sandwiched in between 2 air b&bs, if this new licence is granted. The issue here is that all our flats use one space for the bins, garden area, washing line etc. So to get to my flat as a single woman I need to go through this space to get to my flat. This is behind a gated door. This door should make me feel safe but now this gated area can have any number of strangers in it. I already feel unsafe in my home sharing a landing with an Air B&B, if the flat under mine is also an air b&b I will never feel safe again.

On another note the bins are all next to each other, it's a constant complaint that the users of the air b&b do not care which bins they throw their waste into. So our bins have been continually not picked up because of this. So if there's 2 of them things will get worse.

This is Nairn where there used to be communities and now there's strangers because of so many air b&bs. Myself and my neighbours are really unhappy about this. When will it end?

Kind Regards,

Jane Douglas

Unless related to the business of The Highland Council, the views or opinions expressed within this e-mail are those of the sender and do not necessarily reflect those of The Highland Council, or associated bodies, nor does this e-mail form part of any contract unless so stated.

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 chunntadh sam bith mura h-eil sin air innse.

Appendix 3

27-02-2025

RECEIVED
BUSINESS SUPPORT

28 FEB 2025

LOCHABER

OBJECTION TO:
1 ALBERMARLE PLACE,
DOUGLAS ST,
NAIRN IV12 4DL
BEING TURNED INTO AN AIRBNB

WE HAVE 2 FLATS ON THE AIRBNB WEBSITE NO 1 + NO 5
NO 5 IS OWNED BY SOMEONE FROM GLASGOW WHO VISITS NOW
AND AGAIN.

WE HAVE HAD PEOPLE AT OUR DOOR LOOKING FOR HIS HOUSE.
HAVING TO LIFT DOG POO THAT VISITORS DOGS HAVE DONE
THE TOWER IN OUR BACK YARD.

GATES LEFT OPEN ~ WE HAVE A DOG WHICH WE
HAVE TO WATCH THAT SHE DOESN'T GET ON TO THE
BUSY MAIN ROAD.

OVER THE LAST FEW WEEKS NEXT DOORS BINS
WERE NOT EMPTIED DUE TO RUBBISH BEING IN THE
WRONG BINS. VISITORS DON'T BOOTHER WITH SEPARATION.

MANY THANKS,
JIM PATTERSON

