

Agenda item	<b>11.4</b>
Report no	<b>HLC/115/25</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 –  
6 Stafford Street, Tain, IV19 1BP (Ward 7 – Caithness,  
Sutherland and Easter Ross)**

**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 4 December 2024 a validated application for the grant of a short term let licence was received from Mrs Linda Helen Mackenzie.
- 4.2 The property to which the application relates is 6 Stafford Street, Tain, IV19 1BP (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 Mrs Mackenzie will be the host/operator of the Premises. The host/operator has 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 Mrs Mackenzie 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 Mrs Mackenzie.
- 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 Dwellinghouse which can accommodate a maximum capacity of nine guests. 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;
- Scottish Fire & Rescue Service
- Highland Council Environmental Health Service;

5.2 Police Scotland, Scottish Fire & Rescue Service 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 5 December 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 23 December 2024 from Mr Iain Scott Inglis (**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 \(Licensing Committee\) \(highland.gov.uk\)](#)

## **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: 05 June 2025

Author: David Sumner

Reference: [FS550853661](#)

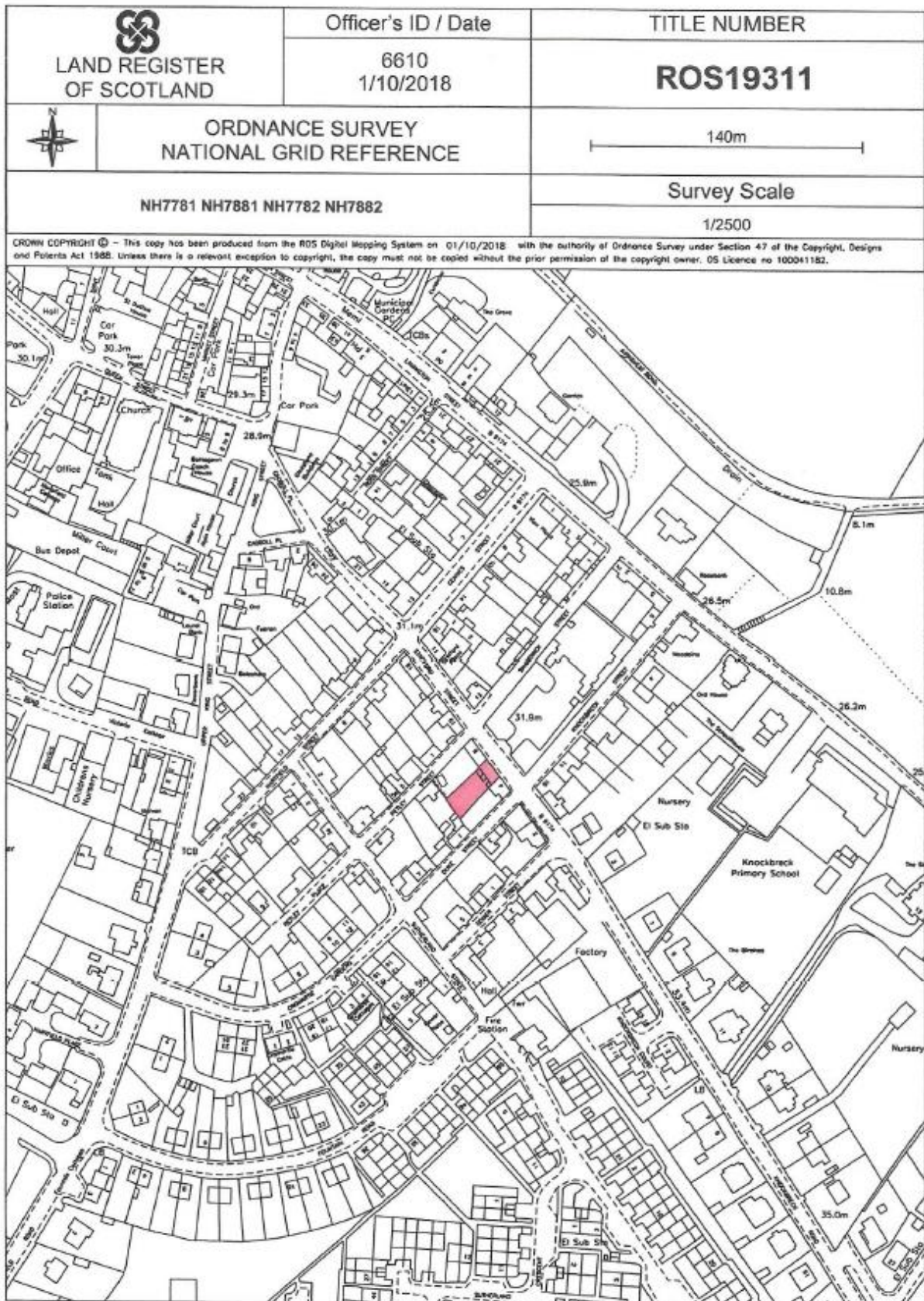
Background Papers:

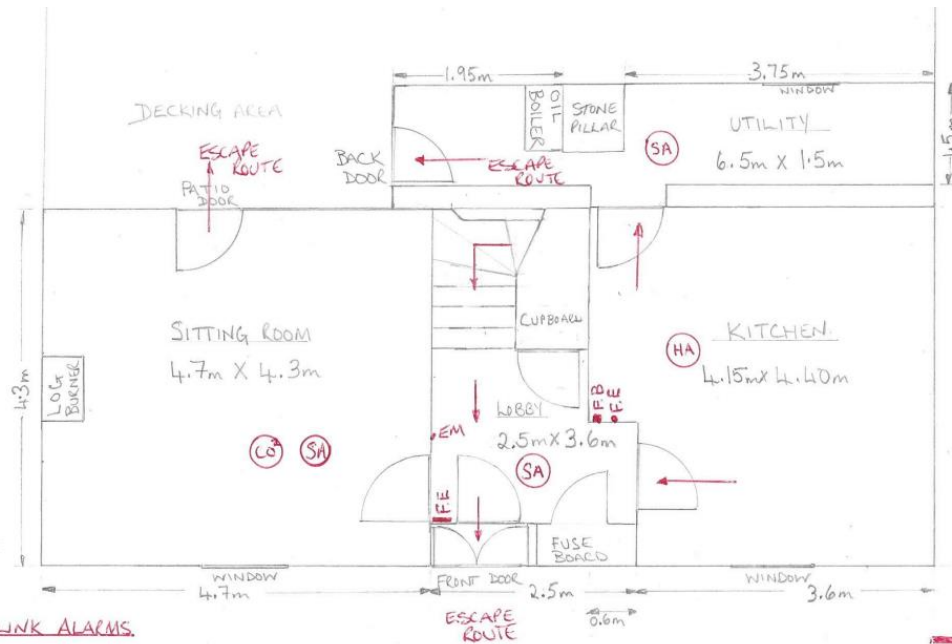
- Civic Government (Scotland) Act 1982
- The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022

Appendices:

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

Appendix 2: Objection received by email on 23 December 2024 from Mr Iain Scott Inglis.





#### INTERLINK ALARMS.

(SA) SMOKE ALARM

(CO) CARBON MONOXIDE ALARM

(EL) EMERGENCY LIGHTING

#### GROUND FLOOR.

Maximum Guests - 9

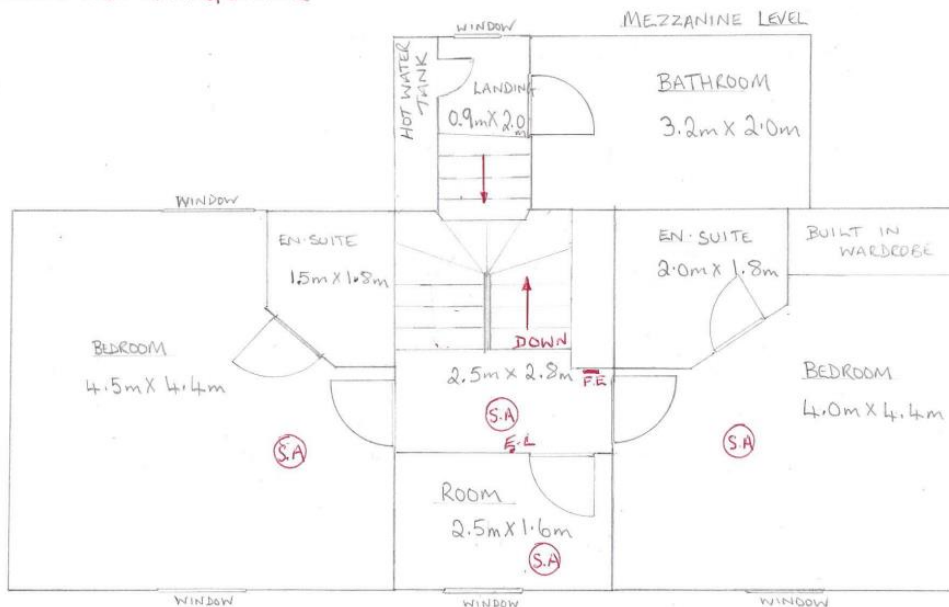
FE = FOAM FIRE EXTINGUISHER  
FE = DRY POWDER EXTINGUISHER  
FB = FIRE BLANKET

#### INTERLINK ALARMS

(SA) SMOKE ALARM

EL = EMERGENCY LIGHTING

FE = FOAM FIRE EXTINGUISHER



#### FIRST FLOOR

## INTERLINK ALARMS

- ⓈA SMOKE ALARM
- E.L. EMERGENCY LIGHTING
- FE FIRE EXTINGUISHER - FOAM



SECOND FLOOR



**David Sumner (Corporate Governance)**

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**From:** iain.i [REDACTED]  
**Sent:** 23 December 2024 21:00  
**To:** STL Licensing  
**Subject:** Regarding licence application

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Objection, David

**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.

Iain Scott Inglis



With reference to the application for a Short Term Lets licence submitted by Linda Helen Mackenzie as manager of property 6 Stafford street Tain IV19 1BP.

I, Iain Scott Inglis, hereby object to the granting of a short term lets licence for 6 Stafford street Tain. The grounds for the objection are based on the suitability of the shared drainage system for, 8 stafford street and 6 Stafford street.

As both houses were built at the same time, both houses have a 4" sewage pipe that seperately feed into a 6" header pipe located within 8 Stafford street.

Though the sewage pipes are seperate 8 Stafford street has 2 rain water drains that feed into the sewage pipe of 6 Stafford street. Said drains are located at the front of the kitchen of 8 Stafford street. One of which is adjacent to the kitchen door.

Since Linda Helen Mackenzie has managed the house and had paying guests the sewage pipe of 6 stafford street has blocked twice. The first time was only months after the first guests moved in. The day this occured I awoke to a river of sewage from 6 Stafford street being deposited directy in front of the kitchen door at 8 stafford street. Peter Mackenzie had plunged several meters of sewage up through the rain water drains. I advised that this was not acceptable but was told as it was now within the boundary of 8 stafford street then it was no longer Linda and Peters problem. The issue is that their actions did not clear the blockage.

I called out the Water Board and the blockage was removed.

Subsequently on the 26/05/2023 I recieved this email from Linda,

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 Hi Iain,

It's Linda and Pete from next door.

I think we have the same drain problem again. Our drains at clear but seems to be a blockage again on your side of the fence and is backing up to mine again.

Can you please have a look and rectify this problem.

This would be much appreciated

Regards  
Linda

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Please note that Peter had once again plunged several meters of sewage directly in front of our kitchen door.

I once again called the Water Board and they cleared the blockage.

Given that both Peter and Linda witnessed the effect of the first blockage then the above email shows a complete disregard of the implications of their actions on my wife and myself.

I then sent the following email to Linda

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Hello Linda

Please be advised that I called out Scottish Water and they cleared your blockage. They have advised that you should stop flushing so many wet wipes. The water engineer removed dozens of wipes from your drain pipe.

Also be advised that when you use a plunger all you do is push the blockage past my first rain water drain, all subsequent plunging deposits your sewage in front of my kitchen. It does not clear the blockage. Previously they advised that I should report any issues. Please in future notify me and I will have it dealt with. Now that you know the implications please have some neighbourly consideration in future.

Regards

Iain

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My objection is that having several short term guests staying at the same time means there is no accountability and though Linda had posted a note in the toilet, not to use wipes, there is no way to know which guest is responsible.

Also Linda's perception that if the mess is on our side of the fence then it's our problem, even when it is there sewage pipe that is blocked means that if 6 Stafford street is granted the license then we at 8 Stafford street are doomed to repeatedly suffer this highly stressful experience time and time again.

For Reference The Water Engineer took photographs of the wipes stuck in the drain and the Water Board issued a written warning to both premises even though our sewage pipe is completely separate from Linda's sewage pipe.

Being a 72 year old pensioner, the stress caused by this being repeated could seriously affect my health and I would have to hold the relevant parties liable accordingly.

Given that I have only just seen the notice and it is the festive season, I am sending this via email but will also send a printed copy by recorded delivery, to the appropriate address, as soon as possible.

Yours concernedly

signed  
Iain Scott Inglis