

Agenda item	14.5
Report no	HLC/145/25

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 16 September 2025

Report title: Application for the grant of a short term let licence – 13 Ross Place, Fort William, PH33 6JZ (Ward 11 – Caol and Mallaig)

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 26 June 2025 a validated application for the grant of a short term let licence was received from Mr Liam Alexander MacKenzie.
- 4.2 The property to which the application relates is 13 Ross Place, Fort William, PH33 6JZ (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 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 Mr MacKenzie 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 Sharon Abbott 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 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 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 two 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, the Highland Council Building Standards and the Scottish Fire & Rescue 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 27 June 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 17 June 2025 from Ally Gray and Martin 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 objectors who, in the terms of paragraph 4(2) of the Civic Government (Scotland) Act 1982, have both 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. Observations on objections/representations

- 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

10.1 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.

11. Implications

11.1 Not applicable.

Date: 31 July 2025

Author: Karen Nicholson

Reference: [FS723727701](#)

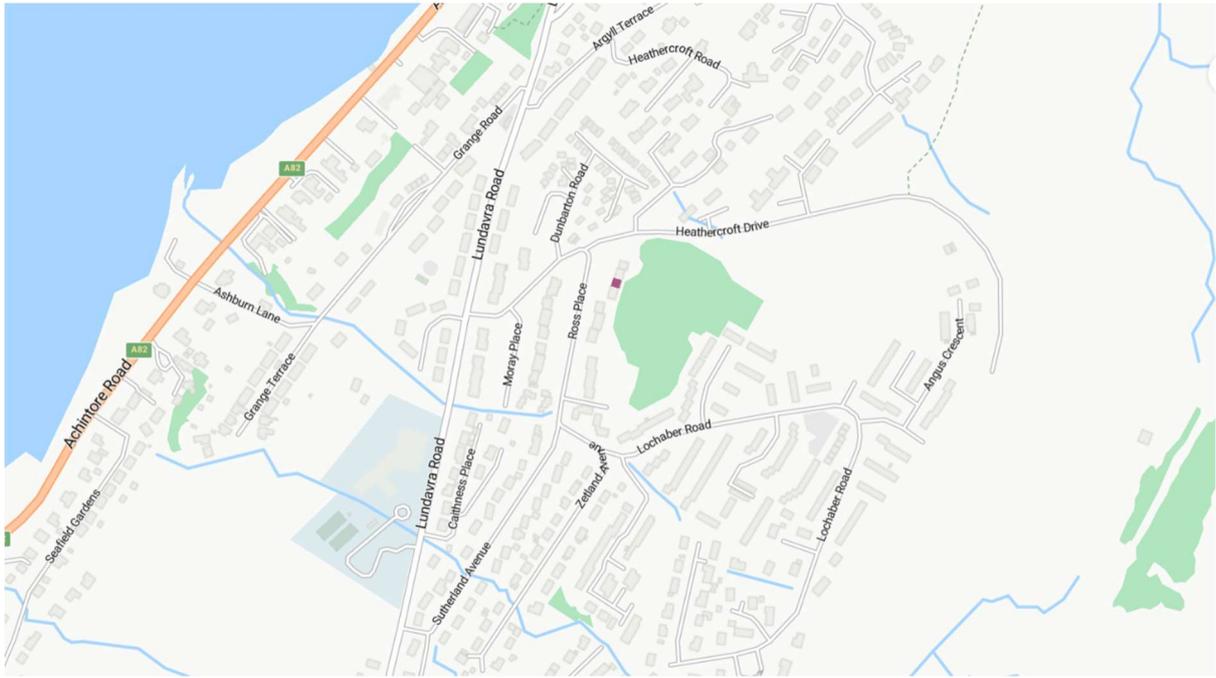
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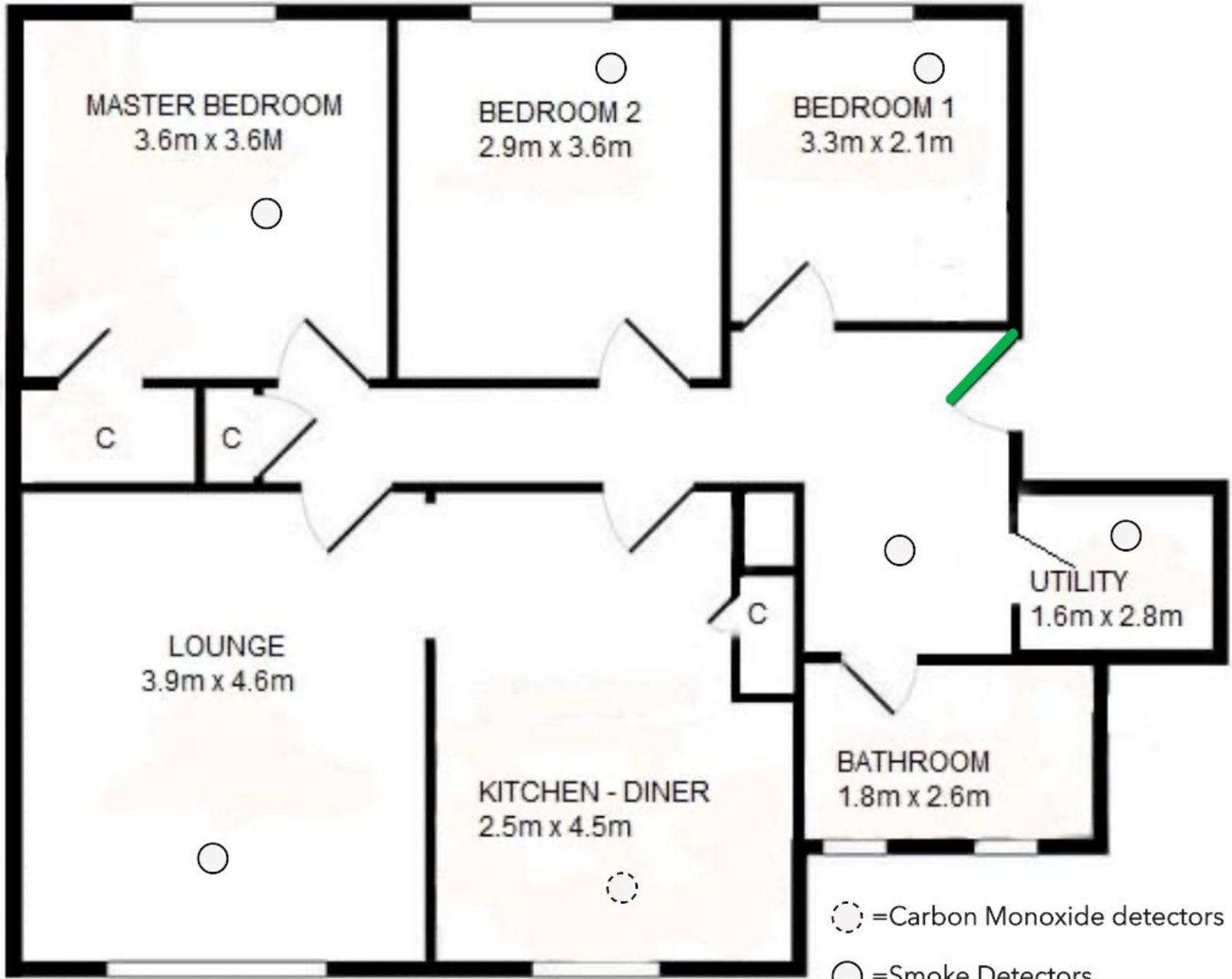
- Civic Government (Scotland) Act 1982
- The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022

Appendices:

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

Appendix 2: Objection received by email on 17 June 2025 from Ally Gray and Martin Mackinnon.





From: [REDACTED]
Sent: 17 July 2025 19:42
To: stl@highland.gov.uk
Subject: Objection to 13 Ross Place, Fort William, PH33 6JZ

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.

A Gray & M MacKinnon



17th July 2025

To Whom It May Concern,

Subject: Objection to Short-Term Let Licence Application for 13 Ross Place, Fort William

I am writing to formally object to the granting of a short-term let licence for the property at 13 Ross Place, Fort William. I am a resident of the building and have serious concerns about the impact and conduct of the applicant, based on both past and ongoing issues.

Grounds for Objection:

1. Illegal Operation Without Licence

The property has previously operated as a short-term let without the required licence, in direct violation of the current regulations. This demonstrates a disregard for legal process and undermines the trust necessary for responsible operation. Operators who knowingly break the rules should not be rewarded with retroactive approval.

2. Lack of Transparency and Accountability

When I reported the unlicensed operation to the letting officer, I was told that the officer “knew them” and that it would be a police matter, should I want to peruse and get them fined for the illegal operation. My request to escalate the matter to a senior officer in Inverness was dismissed. This lack of impartiality and follow-through raises concerns about the fairness of the process and the accountability of those overseeing compliance.

3. Failure to Contribute to Communal Repairs

Despite works being carried out in the building’s close—benefitting all residents—the owner of 13 Ross Place has not contributed financially or otherwise. This signals an unwillingness to participate in communal responsibilities, which is particularly problematic for short-term let operators who increase wear and tear on shared spaces.

4. Disruption to Essential Services

On at least one occasion, the water supply to the flat above was cut off as a result of the owner of 13

Ross Place switching off the water to their own property. This caused unnecessary inconvenience and raises serious concerns about communication and property management.

5. Negligent Renovation Practices

Renovation work has been carried out with no regard for the safety of neighbours. Smashed glass and other debris were left in the close, creating hazardous conditions for other residents. This careless behaviour further demonstrates that the property is not being managed with due respect to others.

6. Unsuitable Use of Family Housing

The properties at Ross Place were designed and intended for long-term residential use, especially for families. The increasing trend of converting these homes into short-term lets for profit erodes the community and increases transience. The current application appears to prioritise profit over the wellbeing of neighbours and long-term residents.

7. Precedent and Awareness of Regulation

There are already 2 out of 8 flats operating as licensed short-term lets in this building. The owner of 13 Ross Place was fully aware of the existing situation and the rules in place. Their decision to operate without a licence until forced to apply shows a blatant disregard for regulation and the community.

In conclusion, I strongly urge the council to refuse the short-term let licence application for 13 Ross Place. The applicant has demonstrated through both past actions and ongoing behaviour that they are not a responsible or respectful operator. Granting this licence would set a concerning precedent for others who may also wish to sidestep the rules.

Yours sincerely,
Ally Gray & Martin Mackinnon