

Agenda Item	8
Report No	HC/35/25

The Highland Council

Committee: Highland Council

Date: 30 October 2025

Report Title: Review of the Scheme of Delegation

Report By: Chief Officer Legal and Corporate Governance

1 Purpose/Executive Summary

- 1.1 This primary purpose of this report is to detail proposed and immediate amendments to the Council's Scheme of Delegation and Administration in respect of licensing and, in particular, short term let licensing. It is proposed to delegate authority to allow officers to refuse licensing applications in a number of specified circumstances. Currently all such applications would require to be reported and determined at the Highland Licensing Committee. If agreed, this amendment would allow over 200 short term let applications to be administered without recourse to the Highland Licensing Committee.
- 1.2 A comprehensive review of the Scheme of Delegation is ongoing and, in advance of this being reported to a future meeting of Council, it is proposed to make a small number of further changes to the current Scheme to reflect both recent Council and Committee decisions in respect of Short Term Let Control Areas and to offer a consistency in the approach to property disposal across general fund and HRA properties.
- 1.3 The current Scheme of Delegation is available here [Scheme of delegation | The Highland Council](#)

2 Recommendations

- 2.1 The Council is invited to **agree**:
 - i. the changes to the Scheme of Delegation as detailed in **Appendix 1** to this report.

3 Implications

- 3.1 **Resource** - This report will have a direct impact on Committee resources. The proposed changes would remove the requirement to present reports to the Highland Licensing Committee and allow officers to refuse applications. This proposal

adjustment would streamline the process and allow over 200 applications to be refused without the need for consideration by the Licensing Committee.

- 3.2 **Legal** - The revised Scheme will support the Council in meeting its legal duties and enhance the Council's governance arrangements. All amendments are consistent with the Local Government (Scotland) Act 1973 and the legislative and regulatory framework governing the delivery of Council services.
- 3.3 **Community (Equality, Poverty, Rural and Island)**: there are no direct community implications arising as a consequence of this report.
- 3.4 **Climate Change / Carbon Clever**: there are no direct implications arising as a consequence of this report.
- 3.5 **Risk** - there are no direct risk implications arising as a consequence of this report.
- 3.6 **Health and Safety** (risks arising from changes to plant, equipment, process, or people): there are no direct health and safety implications arising from this report.
- 3.7 **Gaelic** - there are no direct Gaelic implications arising as a consequence of this report.

4 Impacts

- 4.1 In Highland, all policies, strategies or service changes are subject to an integrated screening for impact for Equalities, Poverty and Human Rights, Children's Rights and Wellbeing, Climate Change, Islands and Mainland Rural Communities, and Data Protection. Where identified as required, a full impact assessment will be undertaken.
- 4.2 Considering impacts is a core part of the decision-making process and needs to inform the decision-making process. When taking any decision, Members must give due regard to the findings of any assessment.
- 4.3 This is an update report which does not impact upon any policy, strategy or service and therefore an impact assessment is not required.

5 Amendments to the Scheme of Delegation for Licensing

- 5.1 The current Scheme of Delegation requires that the Highland Licensing Committee must consider and, if appropriate, refuse applications submitted in terms of the Civic Government (Scotland) Act 1982. The introduction of the short term let licensing regime has resulted in almost 9,000 applications. There are currently over 200 applications which cannot be granted due to issues, such as a failure to provide the required certification and documentation. Currently all such applications would require to be reported and determined at the Highland Licensing Committee. It is proposed to amend the Scheme of Delegation to delegate authority to allow officers to refuse licensing applications in a number of specified circumstances. If agreed this amendment would allow those applications to be administered without recourse to the Highland Licensing Committee.

6 Short Term Let Control Areas

- 6.1 At its meeting on 18 September, Council agreed the undernoted recommendations in respect of the introduction of further short term let control areas.
- i. that it would be for the Area Committees to decide on whether to progress with the introduction of a Short Term Let Control Area covering all or part of their area;
 - ii. that the Economy and Infrastructure (E&I) Committee take the decision to formally commence the process with the evidence gathering and consultation;
 - iii. that the E&I Committee, having taken into account the evidence and feedback, decide on whether or not to continue with the process; and
 - iv. the final decision to designate a Short Term Let Control Area is for E&I Committee.
- 6.2 The current Scheme of Delegation has no reference to short term let control areas. In recognition of the fact that a number of Area Committees may now wish to begin the initial consideration of such proposals, Council is asked to approve the changes to incorporate reference to short term let control areas in both the Local Committee and Economy & Infrastructure Committee's authority.

7. Further Amendments

7.1 Economy & Infrastructure Committee

It is proposed to delete the current wording of paragraph 3.5 which is in the following terms:

3.5 To determine applications referred to the Committee under the Council's Notice of Amendment procedures in respect of applications first considered at a Planning Applications Committee

The wording reflects previous practice and is now incorrect.

7.2 Housing & Property Committee

It is proposed to amend paragraphs 2.15, 2.16 and 2.17 to add the words '*including land held on the Housing Revenue Account*' after the word 'land' where it appears in each paragraph.

Designation: Chief Executive

Date: 16 October 2025

Author: Stewart Fraser, Chief Officer – Legal & Corporate Governance

Appendices: Appendix 1 – Scheme of Delegation Proposed Amendments

APPENDIX ONE

SCHEME OF DELEGATION

PROPOSED AMENDMENTS

1.Economy & Infrastructure Committee

Delete existing Paragraph 3.5

3.5 To determine applications referred to the Committee under the Council's Notice of Amendment procedures in respect of applications first considered at a Planning Applications Committee.

And replace with new Paragraph 3.5

3.5 (i) to agree to commence formal process with the evidence gathering and consultation to establish Short Term Let Control Areas under the Town and Country Planning (Scotland) Act 1997 (as amended);

(ii) to consider and have regard to the evidence and feedback gathered at (i) above to decide on whether or not to continue with the process;

(iii) to designate a Short Term Let Control Area under the Town and Country Planning (Scotland) Act 1997 (as amended); and

(iv) to vary, amend or remove a Short Term Let Control Area designation.

2. Housing and Property Committee

Amend paragraphs 2.15, 2.16 and 2,17 by adding the words 'including land held on the Housing Revenue Account' after the word 'land' where it appears in each paragraph.

3.City of Inverness Area Committee

Add a new paragraph 2.45 under Economy and Infrastructure in the following terms and re -number subsequent paragraphs:-

To consider and propose the introduction of Short Term Let Control Areas under the Town and Country Planning (Scotland) Act 1997 (as amended) covering all or part of their area;

4.Local Committees

Add a new paragraph 2.44 under Economy and Infrastructure in the following terms and re -number subsequent paragraphs:-

To consider and propose the introduction of Short Term Let Control Areas under the Town and Country Planning (Scotland) Act 1997 (as amended) covering all or part of their area;

4. Performance and Governance

Add the following sections to the Table on Page 70

Civic Government (Scotland) Act 1982 Housing (Scotland) Act 2005	To refuse applications for the grant or renewal of a licence reaching their statutory determination date where: 1. the applicant/agent has failed to return a certificate of compliance in respect of the display of the notice of their licence application or in relation to a mobile food unit; 2. the application premises has a gas supply and the applicant/agent has failed to deliver a gas safety inspection certificate on terms satisfactory to The Highland Council's Environmental Health Service; 3. the application premises has electrical fittings or items within the parts of the premises which are for use by, or to which the guests/tenants are permitted to have access, and the applicant/agent has failed to deliver an Electrical Installation Condition Report or an Electrical Installation Certificate dated within the last five years and on terms satisfactory to The Highland Council's Environmental Health Service; 4. the applicant/agent has not produced a Portable Appliance Testing/Electrical Equipment Testing report on terms satisfactory to The Highland Council's Environmental Health Service for all moveable appliances to which guests/tenants have access within the property, where requested; 5. the applicant/agent has failed to deliver evidence of valid buildings insurance for the application premises; 6. the application premises are in a short term let control area (for the purposes of section 26B of the Town and Country Planning (Scotland) Act 1997 ("the 1997 Act")) and where the use of the premises	Chief Officer - Legal and Corporate Governance Principal Solicitor (Regulatory Services), Solicitor (Regulatory Services)
(Short term let licensing only)		

	as a short term let requires planning permission under the 1997 Act, the applicant/agent has failed to provide evidence that either	
(Short term let licensing only)	(a) an application has been made for planning permission under the 1997 Act and has not yet been determined, or (b) planning permission under the 1997 Act is in force;	
(Houses in multiple occupation only)	7. the applicant/agent is not the owner of the application premises or the land on which the premises are located and the applicant/agent has failed to deliver a declaration from the owner (or, as the case may be, each owner), or a person authorised to act on the owner's behalf confirming that they consent to the application; or 8. the applicant/agent has not provided a written occupancy/tenancy agreement for all the tenants which meets the Council's standards for houses in multiple occupation.	