

Agenda item	12.1
Report no	HLC/180/25

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 2 December 2025

**Report title: Application for the grant of a short term let licence – 2
Lochiel Place, St Ninian Road, Nairn, IV12 4EH (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 22 July 2025 a validated application for the grant of a short term let licence was received from Mr Rodney Oliver Baxter.
- 4.2 The property to which the application relates is 2 Lochiel Place, St Ninian Road, Nairn, IV12 4EH (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 edged in red on the plans on pages 1 and 2 of Appendix 1.
- 4.3 The application for the short term let licence has been made on the basis that BPE Global Ltd (Company number SC841677) 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 BPE Global Ltd are named on the application as the owners of the Premises.
- 4.5 The person named on the application as being responsible for the day-to-day management of the Premises is a Ms Sandra Hercher Howells.
- 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 terraced house which can accommodate a maximum capacity of eight guests. Floor plans of the Premises were provided by the applicant as part of the application process, and these can be found on page 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;
- The Highland Council Environmental Health Service; and
- The Highland Council Building Standards.

5.2 Police Scotland have confirmed that they have no objections to the application.

5.3 The Scottish Fire and Rescue Service have confirmed that they have no objections to the application.

6. Highland Council Building Standards

6.1 On 24 July 2025, a timeous objection was received from The Highland Council Building Standards in relation to this application (**Appendix 2**). Such objection is on the basis that there is an outstanding Building Warrant in relation to alterations and conversion of the Premises to a shared residential property, which does not have a Building warrant approval or a Completion Certificate Acceptance.

7. Highland Council Environmental Health Service

7.1 On 13 August 2025, a timeous objection was received from The Highland Council Environmental Health Service in relation to this application (**Appendix 3**). Such objection is on the basis that the Electrical Installation Condition Report submitted with this application is unsatisfactory and the gas safety certificate submitted with this application states that the smoke, heat and carbon monoxide alarms are not located and fitted correctly,.

8. Certificate of Compliance

8.1 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 24 July 2025.

9. Public objections

9.1 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 21 August 2025 from Charlye McMillan (**Appendix 4**).

10. Determining issues

10.1 Paragraph 5(3) of Schedule 1 of the Civic Government (Scotland) Act 1982 states that a licensing authority shall 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.

10.2 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 all been invited to attend and will be provided with an opportunity to be heard by the Committee.

10.3 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)

11. Observations on objections/representations

11.1 In the email of objection found at Appendix 4, 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 10.1 of this Report.

11.2 If required, the Principal Solicitor – Regulatory Services will offer further advice or clarification on these points.

12. 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.

13. Implications

13.1 Not applicable.

Date: 25 August 2025

Author: Sophie Shearer

Reference: FS: 733026662

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 24 July 2025 from The Highland Council Building Standards;

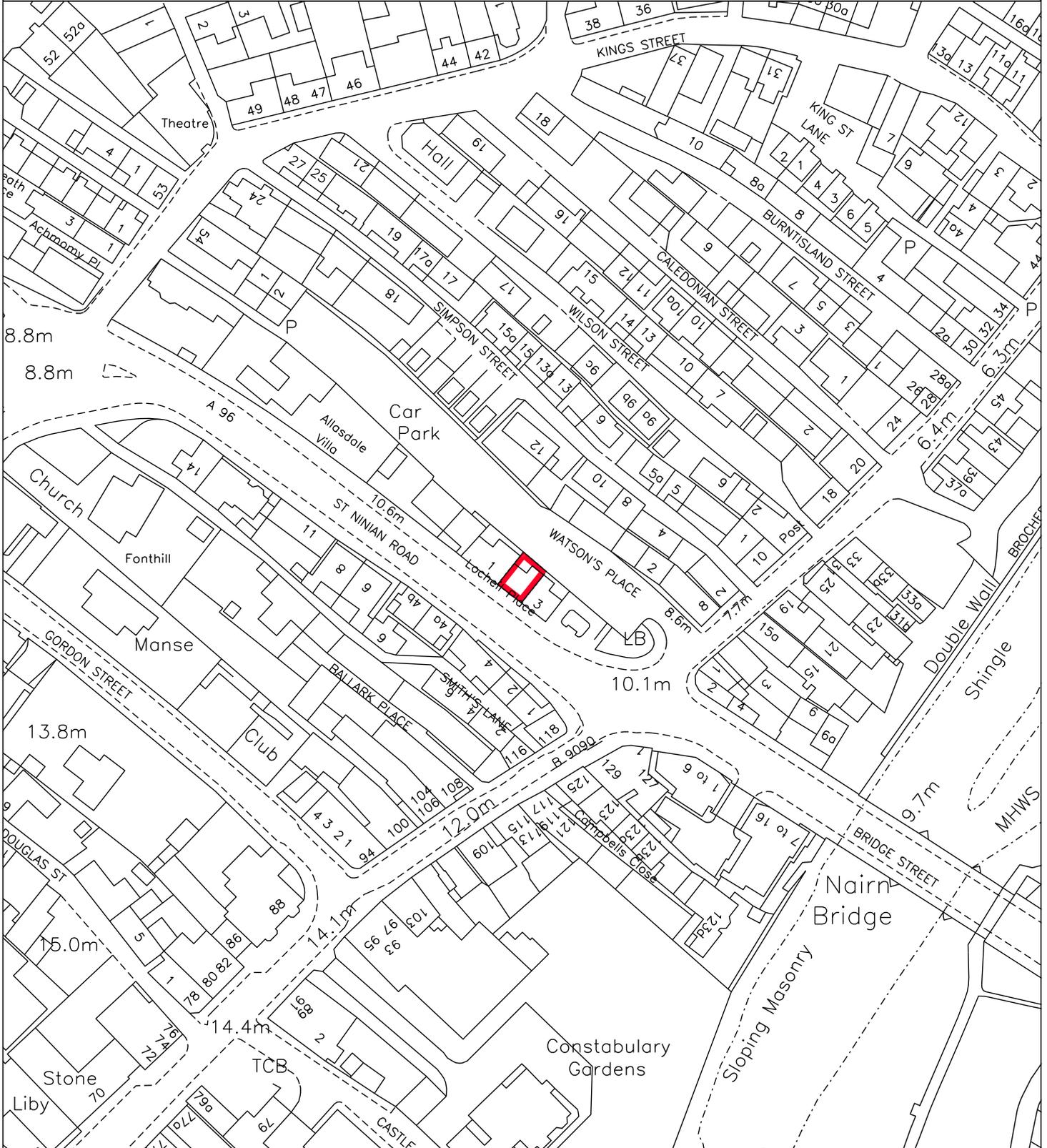
Appendix 3: Objection received by email on 13 August 2025 from The Highland Council Environmental Health Service; and

Appendix 4: Objection received by email on 21 August 2025 from Charlye McMillan.

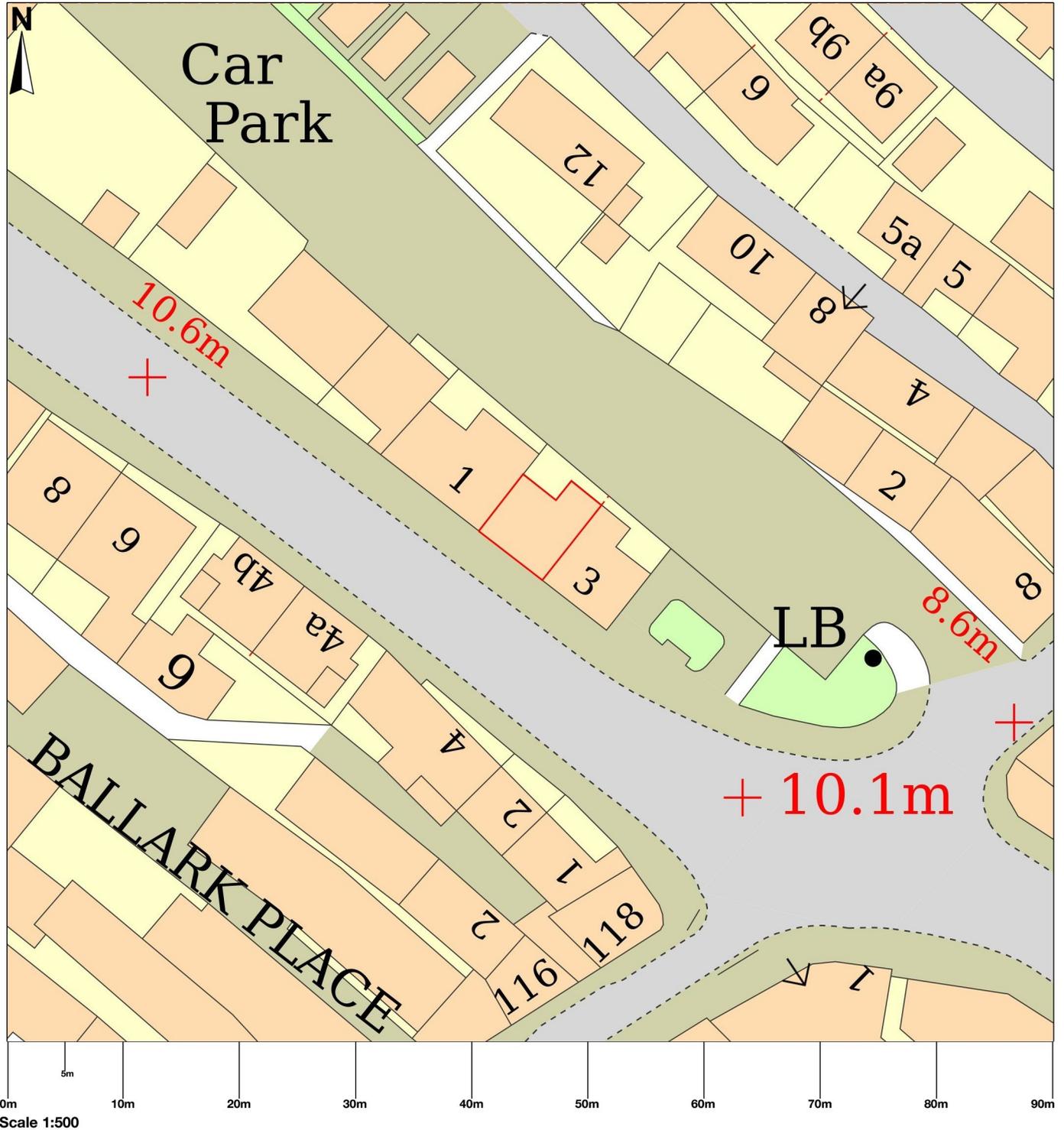
Appendix 1

 LAND REGISTER OF SCOTLAND	Officer's ID / Date	TITLE NUMBER
	7986 9/9/2019	NRN4078
 ORDNANCE SURVEY NATIONAL GRID REFERENCE	70m	
	NH8856	Survey Scale 1/2500

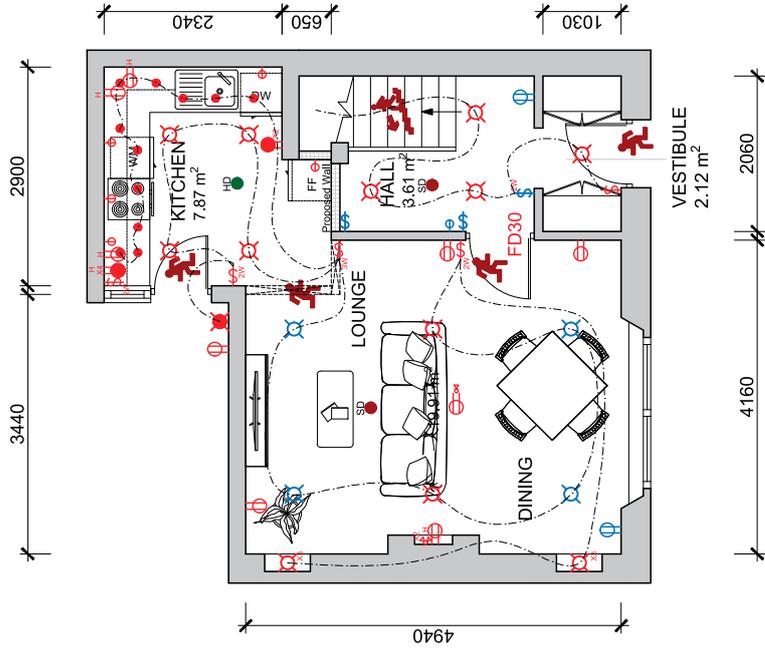
CROWN COPYRIGHT © – This copy has been produced from the ROS Digital Mapping System on 10/09/2019 with the authority of Ordnance Survey under Section 47 of the Copyright, Designs and Patents Act 1988. Unless there is a relevant exception to copyright, the copy must not be copied without the prior permission of the copyright owner. OS Licence no 100041182.



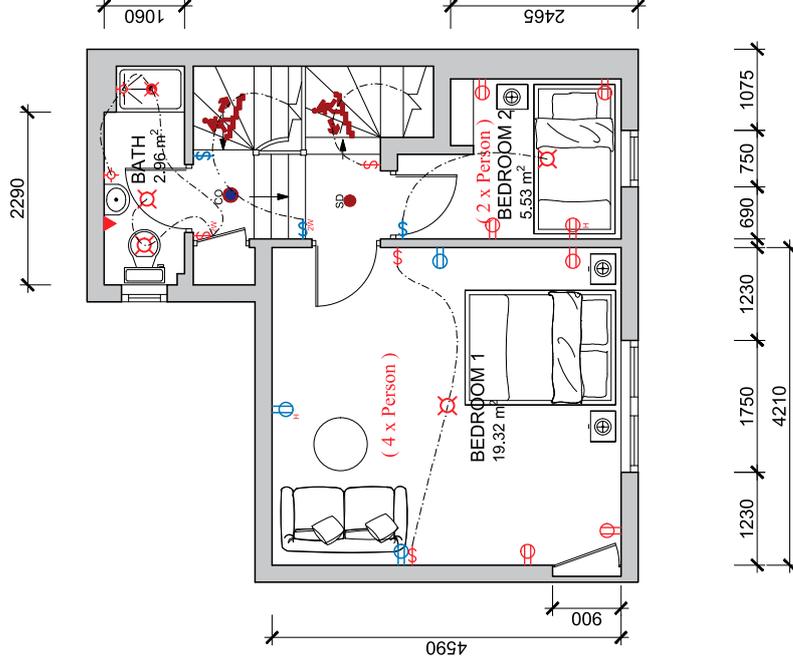
2 Lochiel Place, St. Ninian Road, Nairn, IV12 4EH



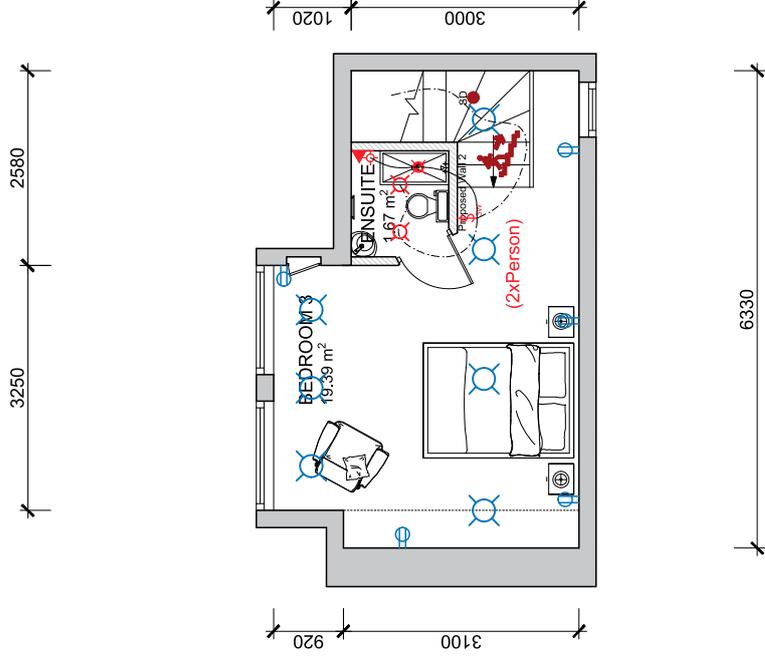
2 LOCHIEL PLACE
 NAIRN
 SCOTLAND
 IV12 4EH



GROUND FLOOR



FIRST FLOOR



ATTIC

PROPOSED FLOOR PLANS

LEGENDS		ELECTRICAL LEGENDS	
	WALL TO BE REMOVED		HEAT DETECTORS
	WALL WITH 30 MINUTES FIRE RESISTANCE		FIRE ESCAPE ROUTES
	INTERIOR WALL	8 X MAXIMUM OCCUPANCY	
	CARBON MONOXIDE DETECTOR		
	INTERLINKED SMOKE DETECTORS	ALL ALARMS TO BE GRADE D1, CATEGORY LD2 SYSTEM PER BS 5839:6:2019. MAINS POWERED WITH SEALED LITHIUM BATTERY BACKUP AND INTERLINKED	
			SINGLE SOCKET
			DOUBLE SOCKET
			TRIPLE SOCKET
			BELOW FLOORBOARDS
			PLINTH & UNDER CABINET LIGHT
			SPOT LIGHT
			OUTDOOR SENSOR LIGHT
			BATHROOM LIGHT
			SWITCH BOARD
			TV & ELECTRIC FIRE BELOW TV
			SHAVER SOCKET
			INTEGRATED FAN & SPOT LIGHT
		Date : 2025-07-19	
		Scale : 1 : 100 @ A4	

Appendix 2

Sophie Shearer (Legal Team (Licensing))

From: Scott Willox (Building Standards) on behalf of STL buildingstandards
Sent: 24 July 2025 17:12
To: STL Licensing
Subject: RE: Short term let licence application FS-Case-733026662 - Response required

Categories: Trisha

Dear STL Team

I can see from our database that there is an outstanding Building Warrant (25/00914/DOM4) in relation to alterations and conversion of this property to a shared residential property which does not have a Building warrant approval or a Completion Certificate Acceptance. I would suggest the applicant makes contact with the case officer [REDACTED] who will be able to advise on what is required to resolve this outstanding issue.

We would therefore object to the licence at this time however we would be willing to withdraw our objection and accept a condition being added to the licence stating that they cannot operate until they have a Completion Certificate Acceptance in place should this not be resolved timeously.

Kind Regards,

[REDACTED]

*Scott Willox - Building Standards Team Leader - Verification (Approvals)
The Highland Council - Infrastructure & Environment
Glenurquhart Road, Inverness, IV3 5NX
Tel - [REDACTED] (working days Tues-Fri)*

I would appreciate if you would spare a moment to share the experience you have had with building standards, as your views are important to the council; by completing the national customer survey: -

[REDACTED]

From: The Highland Council [REDACTED]
Sent: 22 July 2025 14:08
To: STL buildingstandards [REDACTED]
Subject: Short term let licence application FS-Case-733026662 - Response required

Reference: FS-Case-733026662

An application for a short term lets licence has been received from Rodney OLIVER Baxter, [REDACTED] [REDACTED] in respect of 2 Lochiel Place, St Ninian Road, Nairn, IV12 4EH.

[Open the assessment stage in CaseViewer](#)

I would ask that you submit your response to this email by **20/08/2025**.

Actions required

1. Review the application
2. Reply to this email stating you have either:

1. No objections or representations
2. An objection or representation (provide details)

You can also [open the original application](#) if you wish to view the original submission by the applicant.

If you have any queries, please do not hesitate to reply to this email.

Regards,
Licensing Team
The Highland Council

Environmental Health SCHEDULE OF NON-COMPLIANCE			
Premises	2 Lochiel Place, St Ninian Road, Nairn, IV12 4EH.	Date of Assessment	13/08/2025

No.	Licence Condition	Description
1.	STL6	<p>The applicant must arrange for an electrical safety inspection to be carried out by a competent person. Thereafter, a copy of a valid and satisfactory Electrical Installation Condition Report (EICR) relating to the premises fixed electrical installation requires to be submitted.</p> <p>The Electrical Installation Condition Report (EICR) submitted with this application is unsatisfactory and therefore cannot be accepted.</p> <p>The applicant is required to submit a new, valid and satisfactory EICR or a Minor Electrical Works Certificate showing all C2 faults listed on the current EICR have been rectified.</p>
2.	STL3	<p>The holder of the licence must ensure the property has satisfactory equipment installed for detecting, and for giving warning of:</p> <ul style="list-style-type: none"> • a fire or suspected fire and/or, • the presence of carbon monoxide in a concentration that is hazardous to health <p>The Gas safety certificate submitted with this application states the smoke, heat and carbon monoxide alarms are not located and fitted correctly.</p> <p>Written confirmation should be provided from the applicant to confirm such matters have been addressed.</p> <hr/>

Appendix 4

Sophie Shearer (Legal Team (Licensing))

From: Charlye McMillan <[REDACTED]>
Sent: 21 August 2025 13:35
To: STL Licensing
Subject: Objection to STL in Nairn

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Sophie, Trisha

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-

Today marks 28 days since notice was put up at 2 Lochiel Place in Nairn.

I own [REDACTED] and object to the short term let of 2 Lochiel Place. Allowing 2 to become a short term let will make my property the ONLY property in Lochiel Place that is a single family home. This creates a threat to the safety and integrity of my property, including but not limited to the severely damaged roof and gutters next door that have no real incentive to be properly fixed without a resident owner or long term tenant in place.

Furthermore, I am a single mother of 3 children with support needs. I am extremely uncomfortable with a short term let next door, especially since my children's room shares a wall with #2. The constant change over and variance of quiet guests to noisy guests to whatever else has the potential to be highly disruptive to my household, and I respectfully ask that the Council take the needs of the only owner-occupier left at Lochiel Place into consideration. My kitchen window also opens onto #2's wee rear garden. I do not wish to deal with a rolling rota of smokers, noisy guests, etc. interfering with my and my children's peaceful enjoyment of our own property. 2 Lochiel Place should be leased to either a long-term tenant, occupied by the purchaser, or placed back on the market for a more permanent or long-term occupier. We do not need yet another short term let in Fishertown, and certainly not 2 out of 3 units in Lochiel Place.

For the above reasons, I respectfully ask that the application for a short term let license at 2 Lochiel Place be denied and dismissed. Attached, please find a shorter version of this email with my signature.

Thank you for your time and consideration.

Sincerely,

~Ms. Charlye McMillan, MA, JD
[REDACTED]

[REDACTED] 20/8/25

To whom it may concern,

I object to the Short Term Let application for #2 Lochiel Place, VIA UEH on the following grounds:

- 1) another STL at Lochiel leaves me as the ONLY owner/occupier in the building
- 2) the extensive damage at #2 needs proper repairs before anyone should move in
- 3) I am a single mother of 3 small children with support needs. A rota of guests next door is unsafe and disruptive to my kids' / household routine.
 - bedrooms share a wall, so there is potential for disruptive noise from guests
 - kitchen window opens onto garden so I will need to ask each new guest to please not smoke as it affects my kids' health
 - rolling rota of unknown, unexpected, varying guests limits and/or interferes with peaceful enjoyment of my property.