

Agenda item	<b>12.6</b>
Report no	<b>HLC/185/25</b>

## **THE HIGHLAND COUNCIL**

**Committee:** THE HIGHLAND LICENSING COMMITTEE

**Date:** 2 December 2025

**Report title:** Application for the grant of a short term let licence - Flat 2, Ardhalm, High Street, Beauly, IV4 7BX (Ward 12- Aird and Loch Ness)

**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 25 September 2025 a validated application for the grant of a short term let licence was received from Mrs Eilidh Elizabeth McGinness.
- 4.2 The property to which the application relates is Flat 2, Ardhalm, High Street, Beauly, IV4 7BX (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 plan on page 1 of Appendix 1.
- 4.3 The application for the short term let licence has been made on the basis that Croch Ltd (Company number SC448213) will be the host/operators 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 Croch Limited are 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 Mrs McGinness.
- 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 two 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; and
- Highland Council Environmental Health Service.

5.2 Police Scotland and Highland Council Environmental Health Service have both confirmed they have no objection 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 From information provided by the applicant, the licensing team understand that the site notice display period commenced on 7 October 2025. At the time of writing, the applicant has yet to return a certificate of compliance, which confirms 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. Such certificate of compliance must be completed by the applicant and returned to the licensing team as confirmation that the public notice of application has been displayed in terms of the legislation, before the licence can be issued. If available, a verbal update can be provided to the Committee by the Principal Solicitor – Regulatory Services.

## **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, detailed at point 6.1 above, the following timeous objection was received and is attached as an Appendix to this report:

- Objection received by email on 3 November 2025 from Mr Billy Henderson **(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 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.

- 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 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. 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: 6 November 2025

Author: Elaine Hanby

Reference: [FS550599788](#)

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 3 November 2025 from Mr Billy Henderson.

# APPENDIX 1

This is the plan referred to in the foregoing

Plan prepared by



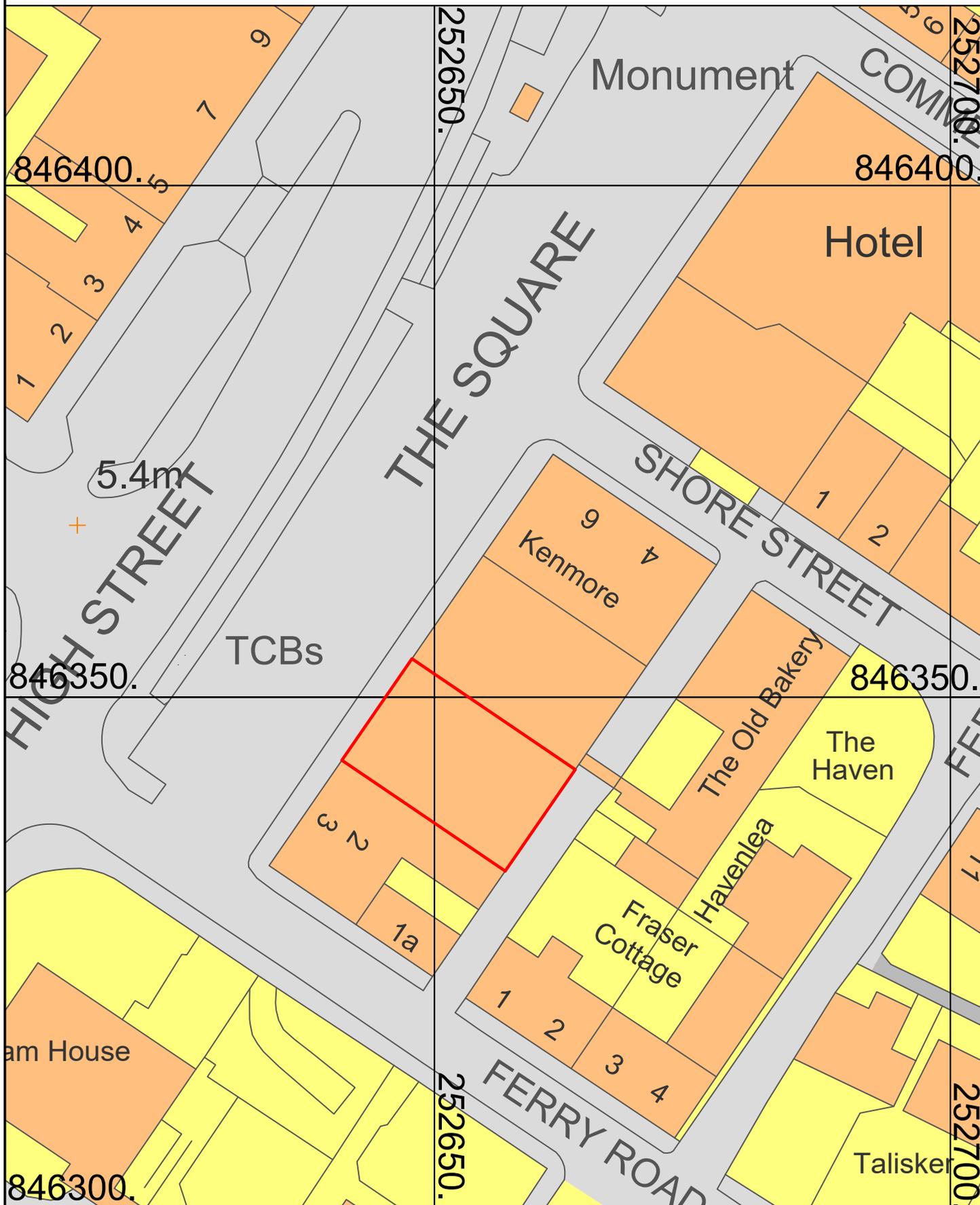
Property and Land Surveys (Highland) Ltd  
Suite 5  
The Green House  
Beechwood Business Park North  
Inverness  
IV2 3BL  
01463 718 933

## APPENDIX 1



1st April 2022  
Job 1085701

Scale 1:500 @ A4



studio 2      33m<sup>2</sup>  
sleeping accommodation for 2 persons



**Elaine Hanby (Legal (Licensing))**

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**From:** Billy Henderson [REDACTED]  
**Sent:** 03 November 2025 16:54  
**To:** STL Licensing  
**Subject:** Objection re application for short term lets licence  
  
**Categories:** Objection, Elaine, Alex

**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.

Applicant Eilidh Elizabeth McGuinness  
Properties to be licensed : Flats [REDACTED], 2, [REDACTED] Ardhholm, High Street, Beauly, IV4 7BX

My objection to this application arises from the continual dumping of rubbish and bottles by the occupants of these short term lets in my garden and also the lane behind the flats. Rubbish is dumped randomly with no respect to the home owners in Shore Street who are obliged to either move the bags into the correct bins or complain continually to environmental services regarding this. There does not appear to be any bins for these properties to deposit rubbish or recycling from these flats hence the random dumping of mixed bags of rubbish and recycling. Often we only realise this has been done when we find a sticker on the bins saying they have not been emptied due to wrong items in the bin, which we then have to sort out.

This has been an issue for several years and this has been brought to the attention of Ms McGuinness by the environmental services on several occasions. The fly tipping by these flats or using other peoples bins has also been a problem from the shops on the square that have there bins in the lane.

Yours Sincerely

Billy Henderson  
[REDACTED]