

Agenda item	14.5
Report no	HLC/64/26

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 12 May 2026

Report title: Application for the renewal of a short term let licence – Moray Firth View, 23 Royal Marine Apartments, Marine Road, Nairn, IV12 4EN (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 renewal 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 13 January 2026 an application for the renewal of a short term let licence was received from Mr Mark Gardner for the property, Moray Firth View, 23 Royal Marine Apartments, Marine Road, Nairn, IV12 4EN (the "Premises").
- 4.2 A site plan was provided by the applicant as part of the renewal application process and is attached as an appendix to this report (**Appendix 1**). The Premises are those coloured in blue on the plan on page 1 of Appendix 1.
- 4.3 Mr Gardner has applied for renewal of his short term let licence prior to expiry of his current licence and is, therefore, able to continue to operate pending determination of his renewal application.
- 4.4 Mr Mark Gardner and Mrs Sandra Gardner 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 the said Mr Gardner.
- 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 four 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's Environmental Health Service

5.2 Police Scotland and The Highland Council's Environmental Health Service Have both confirmed that they have no objections 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 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 13 January 2026.

7. Public objection

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 4 February 2026 from Ms Jacqueline Ebner (**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. Both parties 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 \(Licensing Committee\) \(highland.gov.uk\)](http://highland.gov.uk)

9. Observations on objection

- 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

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: 20 April 2026

Author: Sophie Shearer

Reference: [FS:784030861](#)

Background Papers:

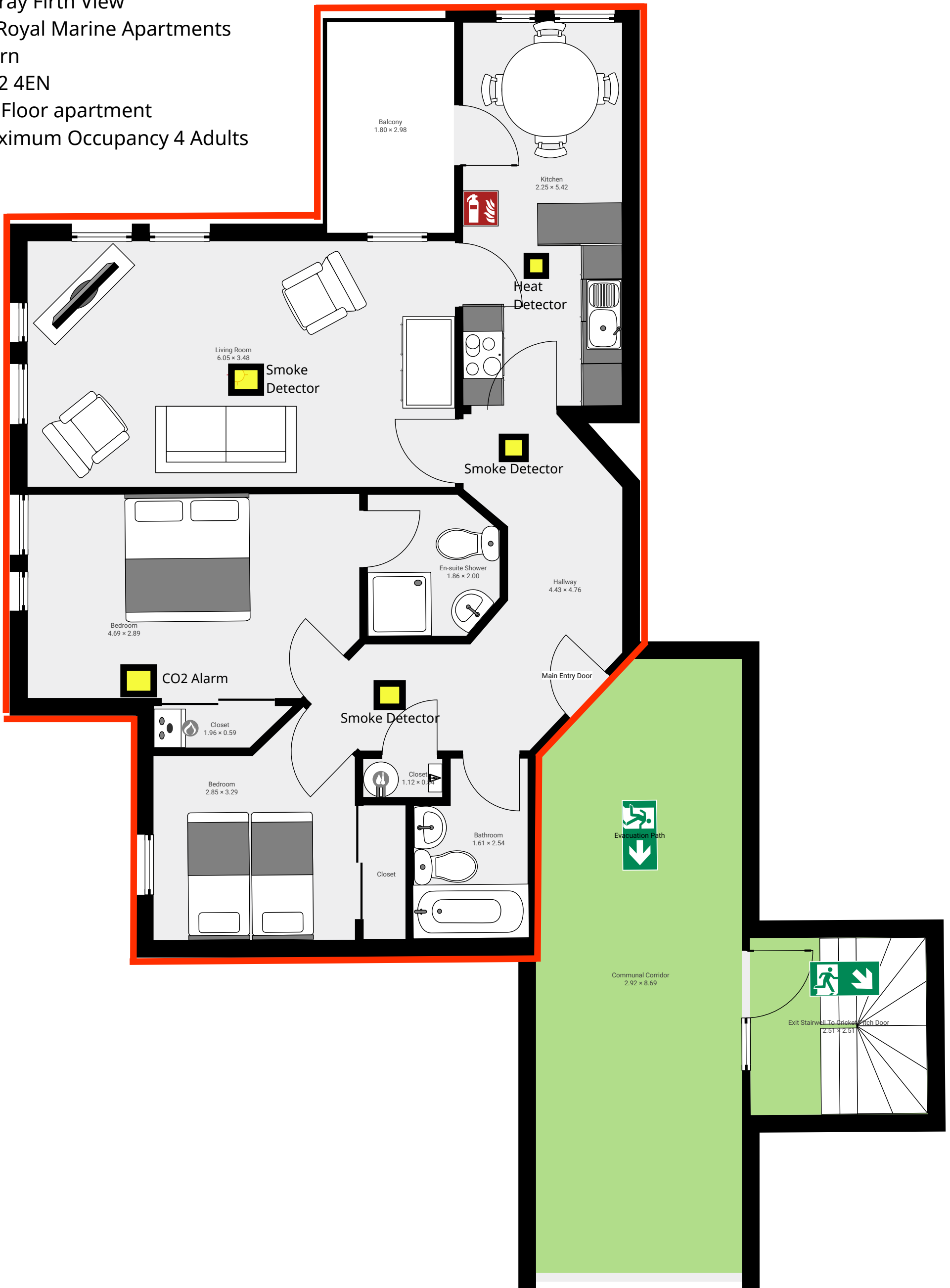
- Civic Government (Scotland) Act 1982
- The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022

Appendices:

Appendix 1: Site plan detailing the extent of the Premises and floor plans for the Premises; a
Appendix 2: Objection received by email on 4 February 2026 from Ms Jacqueline Ebner.



Moray Firth View
23 Royal Marine Apartments
Nairn
IV12 4EN
1st Floor apartment
Maximum Occupancy 4 Adults



Sophie Shearer (Legal (Licensing))

From: Jacqueline Ebner [REDACTED]
Sent: 04 February 2026 14:29
To: STL Licensing
Cc: Tom Bremner
Subject: Renewal of Full Licence

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Sophie, Objection

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.

With reference to application by Mark Gardner, [REDACTED] who has applied to the Council for a short term licence for the property: 23 Royal Marine Apts, Marine Road, Nairn IV12 4EN I hereby submit my written objection.

The grounds for objection are as follows:

There is a Deed of Conditions for the development at Royal Marine Apts. Under this Deed, all apartments must be used solely as private residences, for occupation by one family only.

Furthermore, the Deed expressly prohibits the operation of any trade, business or profession within the apartments. This includes the use of properties for short term, or holiday letting.

My name is Jacqueline Ebner, [REDACTED]

Also, I feel the letter outlining the objections by current owners should have been sent to each apartment as, in my opinion, an A4 sheet stuck on a side door is not adequate to inform each owner.

I trust this information is sufficient to lodge my objection.

Yours faithfully,

Jacqueline Ebner