THE HIGHLAND COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

SHORT TERM LET LICENCE

LICENCE NO:- HI-10200-R

LICENCE-HOLDER: **Clare Lumsden**

ADDRESS: **Leacnasaide Cottage**
Lecknasaide
Gairloch
IV21 2AP

DAY TO DAY MANAGER: **Clare Lumsden**

LICENCE TYPE: **Secondary Letting**

The above-named residing at the above address is hereby authorised to operate a Short Term Let from the premises at and forming:

PREMISES: **Arrowdale**
Lecknasaide
Gairloch
IV21 2AP

MAXIMUM OCCUPANCY: SIX GUESTS

This Licence shall expire on: **22 October 2029**

Date: 23 October 2026

Maureen Duffy

Authorised Signatory

SEE STANDARD CONDITIONS ATTACHED

Annex A: Plan(s) attached as relative hereto.

NOTE: Failure to comply with any condition imposed in a licence may result in the licence being suspended or revoked.

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SHORT TERM LET - SCHEDULE OF CONDITIONS

Agents

1. Only those named as a holder of the licence can carry out the day to day management of the short-term let of the premises.

Type of licence

2. The holder of the licence may only offer the type of short-term let for which the licence has been granted.

Fire safety

3. The holder of the licence must ensure the premises has satisfactory equipment installed for detecting, and for giving warning of—

(a) fire or suspected fire, and

(b) the presence of carbon monoxide in a concentration that is hazardous to health.

4. The holder of the licence must keep records showing that all upholstered furnishings and mattresses within the parts of the premises which are for guest use, or to which the guests are otherwise permitted to have access, comply with the Furniture and Furnishings (Fire Safety) Regulations 1988.

Gas safety

5. Where the premises has a gas supply—

(a) the holder of the licence must arrange for an annual gas safety inspection of all gas pipes, flues and appliances in the premises,

(b) if, after an annual inspection, any appliance does not meet the required safety standard, the holder of the licence must not allow a short-term let of the premises until the works necessary to bring the appliance to the required safety standard have been carried out.

Electrical safety

6. Where there are electrical fittings or items within the parts of the premises which are for guest use, or to which the guests are permitted to have access, the holder of the licence must—

(a) ensure that any electrical fittings and items are in—

(i) a reasonable state of repair, and

(ii) proper and safe working order,

(b) arrange for an electrical safety inspection to be carried out by a competent person at least every five years or more frequently if directed by the competent person,

(c) ensure that, following an electrical safety inspection, the competent person produces an Electrical Installation Condition Report on any fixed installations,

(d) arrange for a competent person to—

(i) produce a Portable Appliance Testing Report on moveable appliances to which a guest has access, and

(ii) date label and sign all moveable appliances which have been inspected.

7. In determining who is competent, the holder of the licence must have regard to guidance issued by the Scottish Ministers under section 19B(4) of the Housing (Scotland) Act 2006).

Water safety: private water supplies

8. Where the premises are served by a private water supply, the licence holder must comply with the requirements on the owners of private dwellings set out in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017.

Water safety: legionella

9. The holder of the licence must assess the risk from exposure to legionella within the premises, whether or not the premises are served by a private water supply.

Safety & repair standards

10. (1) The holder of the licence must take all reasonable steps to ensure the premises are safe for residential use.

(2) Where the premises are subject to the requirements of Chapter 4 of Part 1 of the Housing (Scotland) Act 2006, the holder of the licence must ensure that the premises meet the repairing standard.

Maximum Occupancy

11. The licence holder must ensure that the number of guests residing on the premises does not exceed the number specified in the licence.

Information to be displayed

12. The holder of the licence must make the following information available within the premises in a place where it is accessible to all guests—

(a) a certified copy of the licence and the licence conditions,

(b) fire, gas and electrical safety information,

(c) details of how to summon the assistance of emergency services,

(d) a copy of the gas safety report,

(e) a copy of the Electrical Installation Condition Report,

(f) a copy of the Portable Appliance Testing Report,

(g) instructions as to what guests should do in the event that the carbon monoxide alarm sounds, and

(h) if there is a mobile gas cabinet heater in the premises, safety instructions as to the operation and movement of that mobile heater.

Planning Permission

13. Where the premises is 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"), the holder of the licence must, where the use of the premises for a short-term let requires planning permission under the 1997 Act, ensure that either—

(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.

Listings

14. (1) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises includes—

(a) the licence number, and

(b) a valid Energy Performance Certificate rating if an Energy Performance Certificate is required for the premises, in accordance with the Energy Performance of Buildings (Scotland) Regulations 2008

(2) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises is consistent with the terms of the short-term let licence.

Insurance

15. The holder of the licence must ensure that there is in place for the premises—

(a) valid buildings insurance for the duration of the licence, and

(b) valid public liability insurance for the duration of each short-term let agreement.

Payment of fees

16. The holder of the licence must pay any fees due to the licensing authority in respect of the licence on demand.

False or misleading information

17. The holder of the licence must not provide any false or misleading information to the licensing authority.

Interpretation

18. In this schedule—

- **"Electrical Installation Condition Report"** means a report containing the following information—

(a) the date on which the inspection was carried out,
(b) the address of the premises inspected,
(c) the name, address and relevant qualifications of the person who carried out the inspection,
(d) a description, and the location, of each installation, fixture, fitting and appliance inspected,
(e) any defect identified,
(f) any action taken to remedy a defect,

- "**Energy Performance Certificate**" means a certificate which complies with regulation 6 of the Energy Performance of Buildings (Scotland) Regulations 2008,

- "**gas safety report**" means a report containing the following information—

(a) the date on which the appliance or flue was checked,
(b) the address of the premises at which the appliance or flue is installed,
(c) a description of and the location of each appliance or flue checked,
(d) any safety defect identified,
(e) any remedial action taken,
(f) confirmation that the check undertaken complies with the requirements of an examination of—
  (i) the effectiveness of any flue,
  (ii) the supply of combustion air,
  (iii) subject to head (iv), its operating pressure or heat input or, where necessary, both,
  (iv) if it is not reasonably practicable to examine its operating pressure or heat input (or, where necessary, both), its combustion performance,
  (v) its operation so as to ensure its safe functioning,
  (vi) the name and signature of the individual carrying out the check, and
(h) the registration number with which that individual, or that individual's employer, is registered with a body approved by the Health and Safety Executive for the purposes of regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998,

- “**holder of the licence**” means any person to whom a short-term let licence has been granted or jointly granted,
- “**home letting**” means a short-term let consisting of the entering into of an agreement for the use, while the host is absent, of accommodation which is, or is part of, the host’s only or principal home,
- “**home sharing**” means a short-term let consisting of the entering into of an agreement for the use, while the host is present, of accommodation which is, or is part of, the host’s only or principal home,
- “**premises**” means the accommodation which is the subject of an application for a short-term licence or the subject of a short-term licence,
- “**repairing standard**” means the steps which the holder of the licence is required to take to comply with the obligations placed on the holder by Chapter 4 of Part 1 of the Housing (Scotland) Act 2006,
- “**secondary letting**” means a short-term let consisting of the entering into of an agreement for the use of accommodation which is not, or is not part of, the licence holder’s only or principal home,
- “**short-term let**” has the same meaning as in article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022,
- “**short-term let licence**” means a licence for a short-term let, and
- “**type of short-term let**” means one of the following purposes—

  (a) secondary letting,
  (b) home letting,
  (c) home sharing, or
  (d) home letting and home sharing.

Additional licence conditions

Material changes

1. The licence holder shall notify The Highland Council immediately of any material change of circumstances affecting the licensed premises or the licence holder (or any agent appointed by them to manage part or all of the licensed activity), including details of any criminal convictions incurred by such persons since the granting or renewal of the licence.

Reporting of certain incidents

2. The licence holder shall notify the Council, as soon as is reasonably practicable, of the details of any incident affecting, or within, the licensed premises which:

- has resulted in structural damage to, or structural collapse within the premises, or
- which has involved a gas leak, fire, or explosion necessitating the call-out of the Emergency Services.

Noise and anti-social behaviour

3. The licence holder shall take reasonable steps to manage the premises in such a way as to seek to prevent and deal effectively with any noise nuisance or antisocial behaviour by guests to anyone else in the short-term let and in the locality of the short-term let.

3a. The licence holder shall take reasonable steps to:

- ensure that no disturbance or nuisance arises within or from the premises, for example by explaining the house rules to the guests,
- deal effectively with any disturbance or nuisance arising within or from the premises, as soon as reasonably practicable after the licence holder is made aware of it, and
- ensure any vehicles belonging to guests are parked lawfully, for example explaining where any designated parking spaces (if applicable) are to be found and highlighting any local rules.

3b. The licence holder shall notify the Council, as soon as is reasonably practicable, of the details of any incident of anti-social behaviour affecting or emanating from the premises which has required police involvement.

Privacy and security

4. The licence holder shall take reasonable steps to manage the premises in such a way as to respect and protect the privacy and security of neighbours.

4a. The licence holder shall take reasonable steps to ensure:

- guests know and understand any particular rules applying to any shared areas and entrances,
- guests understand that shared doors should be properly and securely closed after use, and
- the provision of access codes or keys to guests cannot be used by guests to gain access to shared areas after they have finally departed.

Littering and waste disposal

5. The licence holder shall take reasonable steps to ensure that adequate facilities, to the satisfaction of the Council, are provided for the storage, recycling and disposal of all waste and shall ensure that all common areas of the premises and all common external areas within the curtilage of the premises are kept in a clean, tidy, and well-maintained condition to the satisfaction of the Council.

5a. The licence holder shall be responsible for advising residents of the refuse collection day and for planning for the presentation of wheeled bins for collection at the appropriate time and day (if applicable).

5b. The licence holder shall take reasonable steps to:

- clearly label bins as belonging to the premises,
- ensure guests are made aware of how to correctly use the bins provided for the premises (if applicable),
- ensure bins/sacks are available (if applicable),
- ensure that guests manage their waste properly, including when they depart (if applicable), and
- ensure guests are made aware as to what items should not be disposed of by flushing down the toilet.

Preventing damage to premises

6. The licence holder shall not affix a key box, or other device to facilitate guest entry to the premises, to any public or jointly owned private infrastructure without prior consent of the relevant authority or owner(s). The licence holder must be able to produce evidence of permission to the licensing authority on request.

Maintenance of premises

7. Where there is a hot tub provided at the premises for use by guests, the holder of the licence shall take reasonable steps to ensure:

- that it is suitably located and maintained so as to ensure it can be safely operated and used by guests,
- that suitable and sufficient cleaning and disinfection procedures are in place,
- that guests are provided with clear instructions on its safe use and any restrictions on its use, and
- that it is kept securely covered when not in use.

Requirement to produce any policy, certificate or other document on demand

8. The licence holder shall be required to produce, as soon as is reasonably practicable, to any authorised person any policy, certificate, document, record, certificate of inspection or safety, licence or plan required by or issued in terms pursuant to any condition of this licence.

Informative point regarding planning permission in respect of your licence:

You are advised to check whether you need planning permission to use your property to provide short term lets.

WITHIN A SHORT TERM LET CONTROL AREA:

- There is a mandatory condition as part of your licence that you must have planning permission *where the use of the property as a short term let would require planning permission*.

- As of 4 March 2024, the Council has established a Short Term Let Control Area for Ward 20: Badenoch & Strathspey, including the Council area within the Cairngorm National Park. Any change of use from a dwellinghouse (including a flat) to a short term let used for secondary letting after 4 March 2024 is always considered a material change of use and planning permission is required.

- If the change of use to a short term let took place prior to 4 March 2024, you will only require planning permission if that change is deemed 'a material change of use'. The Planning Authority will consider, on a case-by-case basis, whether the use is deemed a material change of use and, therefore, requires planning permission. Further information can be found here: https://www.highland.gov.uk/planning/planning-permission-short-term-lets

- To ensure that you are complying with your licence condition, you are advised to submit a development enquiry as soon as possible after a Short Term Let Control Area is designated: https://www.highland.gov.uk/planning/get-advice-apply-planning-permission/2

OUTWITH A SHORT TERM LET CONTROL AREA:

- If you operate a short term let outwith a Short Term Let Control Area, please note you may still require planning permission if the Planning Authority deem that the change of use of the property to a short term let constituted a material change. The Planning Authority will consider, on a case-by-case basis, whether the use is deemed a material change of use and, therefore, requires planning permission. Further information can be found here: https://www.highland.gov.uk/planning/planning-permission-short-term-lets

- Please note that The Highland Council could also designate a further Short Term Let Control Area affecting your property after the granting of your licence.