

**The Highland Licensing Committee**

**Meeting – 7 October 2014**

Agenda Item	<b>7.1</b>
Report No	<b>HLC/061/14</b>

**Application for Licence for a House in Multiple Occupation – Newton Court, Newton Hotel, Nairn (Ward 19 – Nairn)**

**Report by the Legal Manager**

**Summary**

This Report relates to an application for a licence for a house in multiple occupation.

**1.0 Background**

1.1 In terms of Section 9 (1) of Schedule 4 of the Housing (Scotland) Act 2006 a Licensing Authority is required to determine an application for a house in multiple occupation within twelve months of receipt of the same otherwise the licence will be granted unconditionally for a period of 12 months.

**2.0 Application**

2.1 An application for an HMO licence was received on 10<sup>th</sup> October 2013 from Bespoke Hotels (ISIS) Ltd. in relation to premises at Newton Court, Newton Hotel, Inverness Road, Nairn. The application is for 6 persons and relates to staff accommodation.

2.2 These premises were previously licensed as an HMO however the licence expired on 13<sup>th</sup> May 2014.

2.3 In accordance with 1.1 above the application requires to be determined by 10<sup>th</sup> October 2014.

**3.0 Process**

3.1 There have been no objections received in relation to this application however the licence cannot be issued under delegated powers as there are a number of certificates/documents which require to be submitted by the applicant. These include:

- Copy of PAT Certificate
- Copy of Electrical Certificate
- Confirmation that the works required by the Environmental Health Service have been completed (copy attached in Appendix 1)

#### 4.0 **Determining Issues**

4.1 Section 130 of Part 5 of Housing (Scotland) Act 2006 states that a Licensing Authority may refuse to grant a licence where the applicant or anyone else detailed on the application is not a fit and proper person

4.2 Section 131 of the same Act also states that a Licensing Authority may grant a licence only if it considers that the living accommodation concerned is:

- suitable for occupation as an HMO; or
- can be made suitable by including conditions in the HMO licence.

and in determining whether any living accommodation is, or can be made to be, suitable for occupation as an HMO must consider:

- its location
- its condition
- any amenities it contains
- the type and number of persons likely to occupy it
- the safety and security of persons likely to occupy it
- the possibility of undue public nuisance

4.3 If required the Legal Manager will offer particular advice on the criteria relating to this particular application.

4.4 A copy of this Report and all attachments have been sent to the applicant who, in terms of Section 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982, has been invited to attend and will be provided with an opportunity to be heard by the Committee. The applicant has also been advised of the procedure which will be followed at the meeting.

#### 5.0 **Policies**

5.1 The following policies are relevant to this application:

Highland Council HMO Conditions and Standards. A copy of these can be accessed at:

[http://www.highland.gov.uk/info/1125/licences\\_permits\\_and\\_permissions/303/miscellaneous\\_licences/2](http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/303/miscellaneous_licences/2)

or a hard copy can be supplied where requested.

6.0 **Recommendation**

6.1 Members are **invited** to determine the application.

6.2 If Members are minded to grant the application delegated powers may be provided to the Legal Manager to issue the licence subject to a suspensive condition to the effect that the accommodation shall not be occupied as an HMO until the works listed in the schedule of works have been completed to the satisfaction of the Council and the PAT and electrical certificates have been submitted and are satisfactory.

Designation: Legal Manager

Officer Reference: Michael Elsey

Date: 23<sup>rd</sup> September 2014

Background Papers: Civic Government (Scotland) Act 1982

Appendix 1: Copy of works required by Environmental Health Service

**TEC SERVICES  
SCHEDULE OF NON-COMPLIANCE**

<b>PREMISES</b>		Staff Accommodation Newton Court Newton Hotel Nairn	<b>VISIT DATE</b>	29/10/2013
<b>No</b>	<b>Standard Contravened (Incl. Ref)</b>	<b>Comments</b>		
1	Licence Condition 4.0 Approved Standards 3.11	Where meals are provided additional facilities are required in the premises for occupants to prepare snacks and hot drinks. The existing area provided requires to be redecorated and equipped with a kettle, a impervious work surface, sink and drainer and a fridge		
2.	Licence Condition 4.0 Approved Standards 7.1	Bedroom 2 requires a fixed space heating appliance capable of maintaining a temperature of 18 degrees centigrade within the room when the outside air temperature is minus 1 degree centigrade.		
3	Licence Condition 4.0 Approved Standards 9.2	A minimum of 6 electrical sockets require to be provided in each letting bedroom		
4	Licence Condition 11.0 Approved Standards 11.1	The floor in bathroom in bedroom 7 requires to be replaced. All the seals around the bath /showers require to be resealed and any damage to the walls require to be suitably repaired. All broken glazing in the windows require to be replaced. The roof and guttering and down pipes require to be cleared of moss leaves and other debris to ensure that it functions correctly		
5	Licence Condition 11.1 Approved Standards 11.1	Bedroom 4 must not be used due to the damage to the bathroom floor and dampness within the bedroom.		