

The Highland Licensing Committee

Meeting – 9 August 2016

Agenda Item	6.2
Report No	HLC/062/16

Application for the grant of a licence for a house in multiple occupation – Eildon House, First Floor, 39 High Street, Inverness (Ward 15 – Inverness Central)

Report by the Principal Solicitor

Summary

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

This application is subject to a formal hearing procedure.

1.0 Background

1.1 The licensing of houses in multiple occupation is an activity covered under Part 5 of the Housing (Scotland) Act 2006. The licensing of this activity became mandatory on 1 October 2000 and from this date all houses in multiple occupation which had six or more persons residing at the premises required to be licensed. This limit or threshold has been reduced and now applies to properties with three or more unrelated persons.

1.2 An HMO is defined as living accommodation in which 3 or more unrelated adults live and share one or more of the basic amenities which are a toilet, personal washing facilities and facilities for the preparation or provision of cooked food. It must be their only or main residence.

2.0 Application

2.1 On 26 May 2016 an application for the grant of a licence in respect of a house in multiple occupation was received from Maclver Properties. The director of this company is listed on the application as Mr Donald Maclver and the day to day manager is Catherine Wood.

2.2 The property to which the application relates is Eildon House, 1st Floor, 39 Highland, Inverness. The application is for a maximum number of 10 persons to reside at the property.

2.3 These premises are currently licensed under a company called Eildon Ltd. Ownership of the premises has now transferred to Maclver Properties and, in terms of the HMO legislation, the new owners require to submit a fresh application for a licence.

2.4 A location plan is appended for Members information (Appendix 1).

3.0 Process

3.1 Following receipt of this application a copy of the same was circulated to the following agencies/services for consultation:

- Police Scotland
- Scottish Fire and Rescue Service
- Highland Council Environmental Health Service
- Highland Council Building Standards Service
- Highland Council Planning Service
- Highland Council Housing Service

3.2 All agencies/services above have responded to confirm that they have no objections to the application.

3.3 Up to date copies of the electrical, gas, insurance and portable appliance test certification have been received and are satisfactory.

4.0 Objection

4.1 Two letters of objection have been received in relation to the application from:

- Claire Marchmont
- Garry Buchan

4.2 A copy of the objection letters is attached at Appendix 2.

5.0 Hearing

5.1 In accordance with the Act both the applicant and persons submitting the objections have been invited to attend the meeting and will be provided with an opportunity to address the Committee through the hearing procedure.

6.0 Determining issues

6.1 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.

6.2 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:

- (a) is suitable for occupation as an HMO, or
- (b) can be made so 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 the local authority must consider—

- (a) its location,
- (b) its condition,
- (c) any amenities it contains,
- (d) the type and number of persons likely to occupy it,
- (da) whether any rooms within it have been subdivided,
- (db) whether any rooms within it have been adapted and that has resulted in an alteration to the situation of the water and drainage pipes within it,

- (e) the safety and security of persons likely to occupy it, and
- (f) the possibility of undue public nuisance.

6.3

If required the Principal Solicitor will offer particular advice on the criteria relating to this particular application.

7.0 Policies

7.1 The following policies are relevant to this application:

Highland Council HMO conditions and standards. A copy of these can accessed at:

http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/303/miscellaneous_licences/2

or a hard copy can be supplied where requested.

8.0 Other requirements

8.1 If members are minded to grant the application delegated powers should be given to the Principal Solicitor to issue the licence once any requirements required by the services details in Paragraph 3.1 of the report have been completed and any relevant documents and certification submitted.

9.0 Recommendation

Members are invited to determine the above application.

If Members are minded to grant the licence, agreement should be given that the licence be issued by the Principal Solicitor using delegated powers once any required documents and certification, and confirmation of satisfactory completion of required works, have been received. Agreement should also be given that, in the event that these are not received by 25 May 2017, the application be refused under delegated powers.

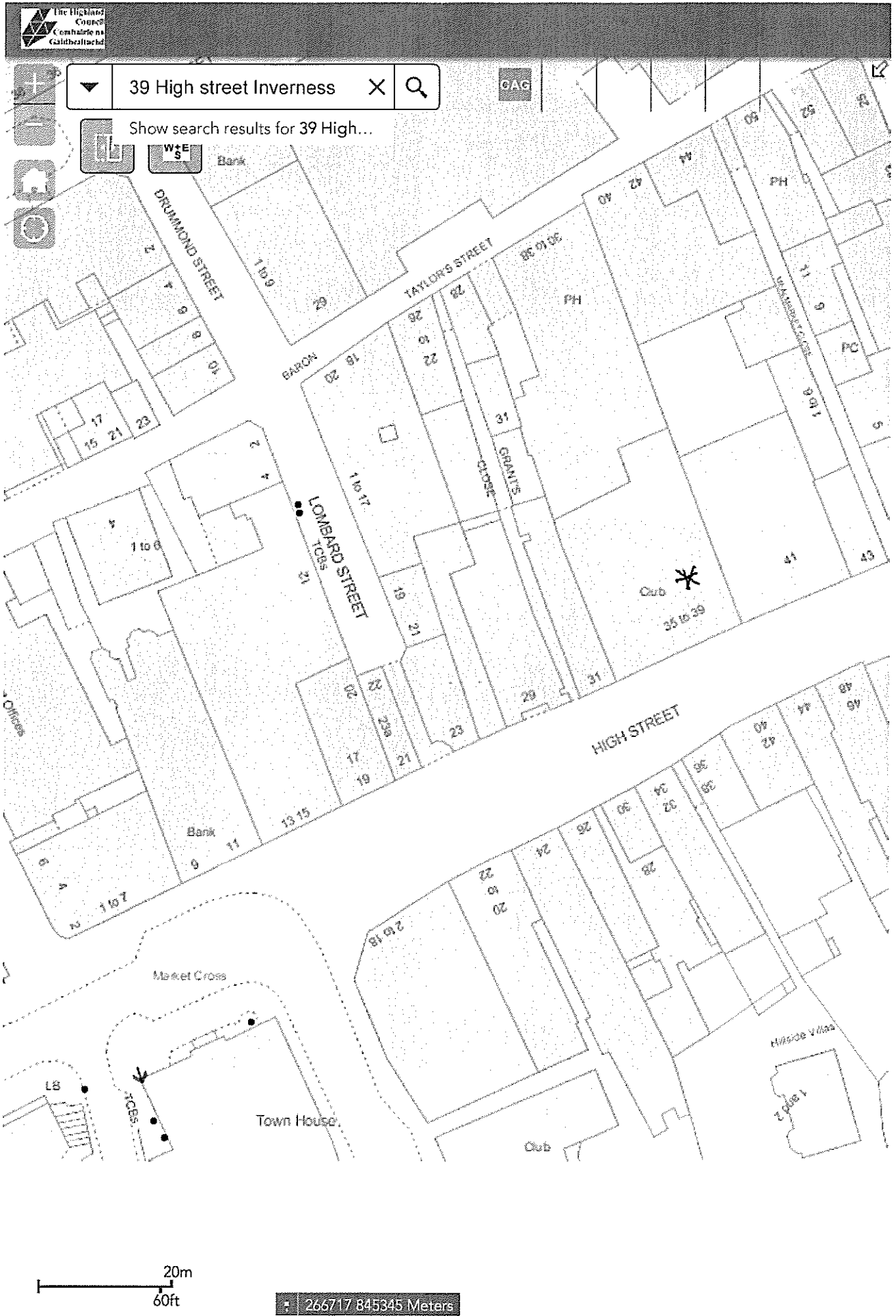
Whether Members are minded to grant the licence or to refuse the application on one of the grounds detailed in paragraphs 6.1 and 6.2 of the report, reasons for their decision must be given.

Designation: Principal Solicitor

Officer Reference: Michael Elsey

Date: 18 July 2016

Attachments: Appendix 1 – Location plan of premises
Appendix 2 – Letters of objection



14 June 2016

Claire Marchmont

Owner

Chicken Hut

4-6 Drummond Street

Inverness

IV11QD

RECEIVED

14 JUN 2016

Letter Of Objection HMO APPLICATION – MACIVER PROPERTIES, EILDON HOUSE, 39 HIGH STREET, INVERNESS, IV1 1HT

Dear Sir/Madam,

I am writing to object to the Hmo Application for the above property.

The reasoning of my objection is that the premises is used solely to house homeless persons throughout the property and I feel this has a detrimental effect on the centre of Inverness, trading businesses and tourists visiting the area.

On a daily basis there are several of Eildons 'homeless' persons loitering the high street, asking the tourists of Inverness for money and generally being a nuisance with the locals on the benches outside Mcdonalds.

It does not provide an appropriate image of Inverness to the visiting tourists and the congregations of these undesirables are frankly intimidating and threatening to the locals of Inverness.

There are frequent Police visits to Eildon House and there are numerous accounts of alcohol/drug instances directly related to the property and the surrounding area.

The Eildon Guests tend to concentrate during daytime hours around shop fronts on the high street and it is unpleasant for shoppers and the general public, and unfortunately it cannot be easily controlled by Police unless there is a clear de facto breach of Law, This is very damaging to the image and enjoyment of the town centre and detrimental to existing businesses and the tourist industry.

There is no clarification as to whether there will there be a permanent staff member in residence and throughout the night to minimise noise disturbance and anti social behaviour from the homeless tenants housed there.

I therefore strongly oppose this application on these grounds and wish for the application to be refused.



Claire Marchmont

13/06/2016

Legal Manager
Highland Council
Town House,
Inverness
IV11JJ

I wish to object to the Planning Application for Eildon House – 39 High Street, Inverness, IV11HT for the House Of Multiple Occupancy.

My name is Garry Buchan and I reside at [REDACTED], [REDACTED], [REDACTED]. I am within walking distance of the property and use this route of travel on a daily basis. The residents at the address gather around the entrance and throughout the High Street Area. I have witnessed Local residents and shoppers being verbally abused and shouted at by these individuals. I don't feel it is an area for homeless accommodation in the heart of the City centre and will give tourists and guests a bad perception of Inverness.

I am unable to walk confidently down the high street without being harassed by these individuals staying here asking for money or cigarettes. Its unfair to Local businesses and the tourists of Inverness to allow a homeless HMO to run here. Ive witnesses objects being thrown from the floors above as well as shouting matches between people in the building and on the ground.

Tourists and visitors to the local area will be leaving with a very bad image of such a beautiful town due to the unsavoury perception the homeless people housed here are bringing.

Yours faithfully,

Garry Buchan

[REDACTED]

RECEIVED
15 JUN 2016