

Agenda item	7.2
Report no	HLC/046/17

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 2 August 2017

Report title: Application for the grant of a licence for a house in multiple occupation – staff accommodation at Ben View Terrace, Torlundy, Fort William (Ward 21 – Fort William & Ardnamurchan)

Report by: The Principal Solicitor – Regulatory Services

1. Purpose/Executive Summary

1.1 This Report relates to an application for the grant of a licence for a house in multiple occupation received under Part 5 of the Housing (Scotland) Act 2006.

2. Recommendation

2.1 Members are asked to determine the application in accordance with the Hearings Procedure.

3. Background

3.1 On 1 September 2016 an application for the grant of a licence for a house in multiple occupation was received from Inverloch Castle Limited in respect their staff accommodation at Ben View Terrace, Torlundy, Fort William.

3.2 In terms of the abovementioned Act the Licensing Authority have twelve months from receipt of the application to determine the same, therefore this application must be determined by 1 September 2017. Failure to determine the application by this time would result in the application being subject of a 'deemed grant' which means that a licence would require to be issued for a period of 1 year. The application is before this Committee as this is the last meeting before the determination date expires.

4. Process

4.1 Following receipt of the application a copy 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

4.2 No objections or representations have been received.

5.0 Electrical Certificate

5.1 As part of the application process the applicants are asked to submit a satisfactory EICR Inspection Report in relation to the premises together with a Portable Appliance Test (PAT) certificate for electrical appliances.

At the time of writing the electrical reports had not yet been submitted and consequently, the application cannot be granted under delegated powers and the timescale for determining the application, as detailed in paragraph 1.2 above is now approaching.

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.

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.

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

7. Options

7.1 If Members are minded they could grant delegated powers to the Principal Solicitor to refuse the application if the works and documentation detailed in paragraph 2 above has not been completed/submitted by 8 September 2017.

8. Policies

8.1 The following policies are relevant to this application:

8.2 Standard house in multiple occupation licence conditions and standards. A copy of these can accessed at http://www.highland.gov.uk/directory_record/738757/houses_in_multiple_occupation_hmo/category/497/housing

or a hard copy can be supplied where requested.

9. Implications

9.1 Not applicable.

Date: 20 July 2017

Author: SB/JT

Ref: HM/2016/09/01

Background Papers: Civic Government (Scotland) Act 1982