

Agenda item	6.1
Report no	HLC/018/18

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 27 March 2018

Report title: Application for the renewal of a licence for a house in multiple occupation – Armadale House, Armadale, Isle of Skye, IV45 8RS (Ward 10 - Eilean a' Cheò)

Report by: The Principal Solicitor – Regulatory Services

1. Purpose/Executive Summary

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

2. Recommendation

- 2.2** Members are asked to determine the application in accordance with the Hearings Procedure.

If Members are so minded, they are further asked to grant delegated power to the Principal Solicitor to grant the application in the event that the results of the Fire Service audit inspection are satisfactory and in the event that a suitable style of tenancy agreement which meets the Council's HMO Standards is submitted by 23 May 2018, but otherwise to refuse the application.

3. Background

3.1 On 24 May 2017 an application for the renewal of a licence for a house in multiple occupation was received from Clan Donald Lands Trust in respect of Armadale House, Armadale, Isle of Skye.

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 23 May 2018. 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 Planning Service
- Highland Council Building Standards Service
- Highland Council Environmental Health Service
- Highland Council Housing Service

4.2 Police Scotland, Planning, Building Standards, Environmental Health and Housing Services have confirmed that they have no objections to the licence being issued.

4.3 The Fire Service has advised that an audit inspection is to be carried out and it is proposed to do this in March 2018.

4.4 The applicants have also to submit a suitable tenancy agreement which meets the Council's HMO Standards.

4.5 Given these outstanding matters, the application cannot at present be granted under delegated powers.

5.0 Determining Issues

5.1 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.

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

6. Policies

6.1 The following policies are relevant to this application:

6.2 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.

7. Implications

7.1 Not applicable.

Date: 12 March 2018

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Background Papers: Civic Government (Scotland) Act 1982