

Agenda item	10.2
Report no	HLC/033/18

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 15 May 2018

Report title: Application for the grant of a licence for a house in multiple occupation – Glen House, Market Street, Ullapool, IV26 2UE (Ward 5 – Wester Ross, Strathpeffer and Lochalsh)

Report by: The Principal Solicitor – Regulatory Services

1. Purpose/Executive summary

- 1.1** This report relates to an objection received in relation to an application for a house in multiple occupation.
- 1.2** This item is subject to a formal hearing procedure.

2. Recommendation

- 2.1** Members are asked to determine the application in accordance with the Council's Hearings Procedure.
- 2.2** If members are minded to grant the application, delegated power is sought to allow the Principal Solicitor – Regulatory Services to issue the licence if the works required to bring the property up to the Council's HMO standards have been completed to the satisfaction of the Council's Environmental Health and Building Standards Service and to meet the Scottish Fire and Rescue Service's requirements, and the relevant documents and certification submitted, by 14 June 2018, or to refuse the application under section 131 of the Housing (Scotland) Act 2006 should the Council's HMO standards and SFRS requirements not have been met, and the necessary documents and certification submitted, by that date.

3. Background

- 3.1** The licensing of houses in multiple occupation (HMO) is an activity covered under Part 5 of the Housing (Scotland) Act 2006 (the "Act"). The licensing of this activity became mandatory on 1st 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.
- 3.2** 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.

4. Application

- 4.1** On 15 June 2017 an application for the grant of a licence in respect of a house in multiple occupation was received from J&R Group Ltd. The directors of this company are listed on the application as Mr Will Stephenson and the day to day manager was detailed as Mr Will Stephenson. The day to day manager was amended to Mr Lachlan Robertson on 26 April 2018.
- 4.2** The property to which the application relates is Glen House, Market Street, Ullapool, IV26 2UE.
- 4.3** The maximum number of persons applied for to reside in the house was 14 persons amended to 13 by email on 3 July 2017.

5.0 Process

- 5.1** 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
- 5.2** Police Scotland and the Planning Service have responded to confirm that they have no objections to the application.
- 5.3** The Council's Building Standards Service have advised that they have a current building warrant approved for alterations to the building, ref 16/01277/NDOM5, and once the works are finished and a completion certificate acceptance issued by Highland Council they will have no observations on the application.
- 5.4** The Council's Environmental Health Service responded to advise that works were required for the property to meet the Council's HMO standards and this response was copied to the applicant. The applicant has yet to confirm that these works have been completed and Environmental Health Service are therefore unable to re-inspect the premises.

5.5 Scottish Fire and Rescue Service responded to advise that they had carried out a visit to the premises and identified items which require attention. Once these items have been addressed a follow-up visit will be carried out and a response to the licence consultation will be submitted. An appointment for the follow-up visit to the premises has since been confirmed as scheduled for 22 May 2018.

5.6 The Council's Housing Service are unable to respond to the consultation as the applicant has not yet submitted a copy of the tenancy agreement used.

5.7 The application must nonetheless be determined by 14 June 2017, failing which, pursuant to paragraph 9 of Schedule 4 to the Act, it will be deemed to have been granted unconditionally.

6.0 Determining issues

6.1 Section 130 of Part 5 of the Act 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 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 licensing 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: https://www.highland.gov.uk/directory_record/738757/houses_in_multiple_occupation_hmo/category/497/housing 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 – Regulatory Services to issue the licence once any requirements required by the Services details in Section 5.0 of the report have been completed and

any relevant documents and certification submitted. Delegated power should also be given to the Principal Solicitor – Regulatory Services to refuse the application under section 131 of the Act, on the grounds that the property is unsuitable for occupation as an HMO, should these works not be completed, and relevant documents and certification submitted, by 14 June 2018.

9.0 Implications

9.1 Not applicable.

Date: 30 April 2018

Author: Angela Mair

Background Papers: Housing (Scotland) Act 2006

Appendix 1: Environmental Health Service response

To: Principal Solicitor Regulatory Services
From: Technical Officer (HMO)
Your Ref:
Our Ref: aa
Date: 31/7/2017
Please ask for: Technical Officer (HMO)
Subject: Housing (Scotland) Act 2006
Part 5 - Licensing of Houses in Multiple Occupation
Address: 9 Market Street Ullapool

I refer to the recent inspection of the above property in order to assess compliance with the Council's adopted standards for Houses in Multiple Occupation (HMO).

The applicant specified that the maximum number of persons to be accommodated on the premises at any one time would be 14 persons.

Based on this occupancy figure, I would confirm that the premises fail to meet the Licence Conditions and the Council's adopted standards for HMO's and would refer you to the attached schedule in this regard.

In view of our inspection findings, I would therefore confirm that the property would not be considered satisfactory for occupancy of this nature unless appropriate remedial action was undertaken by the applicant to address the problems identified on the attached schedule.

I trust this information is of assistance to you and that you will notify the applicant accordingly.

Angus Anderson
Technical Officer (HMO)

**Community Services Environmental Health
SCHEDULE OF NON-COMPLIANCE**

PREMISES		9 Market Street Ullapool	VISIT DATE	20/7/2017
No	Standard Contravened (Incl. Ref)	Comments		
1	Adopted Standards 3.3 Licence Conditions 9.1	Every water closet (WC) compartment requires to have a washbasin within the WC compartment itself, or within an adjacent space providing the sole means of access to the WC compartment. The WC next to bedroom 2 on the first floor requires to have a washbasin.		
2.	Adopted Standards 3.6 Licence Conditions 9.1	The door to the shower room on the ground floor must be provided with suitable locking mechanism to ensure privacy.		
3	Adopted Standards 6.1 Licence Conditions 10.1	Each letting room requires too have a fixed space heating appliance or be heated by a central heating system capable of maintaining a temperature of 18 degrees centigrade within the room when the outside air temperature is minus one degree centigrade. Bedroom 7 requires to be provided with a suitable heating appliance.		
4	Adopted Standards 8.3 Licence Conditions 1.1	There was an insufficient number of 13 amp electrical sockets in bedroom 3 The applicant requires to provide a minimum of 6 sockets in this room		