

Agenda item	7.2
Report no	HLC/035/20

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 08 September 2020

Report title: Application for the grant of a housed in multiple occupation licence – Pearkhal Property Investment Ltd for Caledonian Hotel, Ullapool (Ward 5 – Wester Ross, Strathpeffer and Lochalsh)

Report by: The Principal Solicitor – Regulatory Services

1. Purpose/Executive summary

- 1.1 This report relates to objections 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.

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”).

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 16 October 2019 an application for the grant of a licence in respect of a house in multiple occupation was received from Pearkhal property Investment Ltd. The day to day manager was detailed as Mr Stuart Lyth. The day to day manager was amended to Mr Andrew MacKay on 09 March 2020.

4.2 The property to which the application relates is Staff Accommodation, Caledonian Hotel, Quay Street, Ullapool, IV26 2UG.

4.3 The maximum number of persons applied for to reside in the house is 10 persons.

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 Building Standards and Planning Service have responded to confirm that they have no objections to the application.

5.3 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 confirmed that works were being undertaken but due to the Covid-19 restrictions and the shutdown of hotel premises, the works have not yet been completed and Environmental Health Service are therefore unable to re-inspect the premises.

5.4 Scottish Fire and Rescue Service responded to advise that they had carried out a visit to the premises on 21 October 2019 and the existing fire safety arrangements were not considered appropriate for the risk and an action plan had been sought from the duty holder to address the deficiencies. As above, due to the Covid-19 restrictions and shutdown of hotel premises, the works required have not yet been completed and SFRS are unable to re-inspect the premises.

5.5 The Council’s Housing Service have not yet responded to the consultation.

5.6 The application must nonetheless be determined by 15 October 2020, 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 Implications

8.1 Not applicable.

Date: 17 August 2020

Author: Angela Mair

Background Papers: Housing (Scotland) Act 2006

Appendix 1: Environmental Health Service response

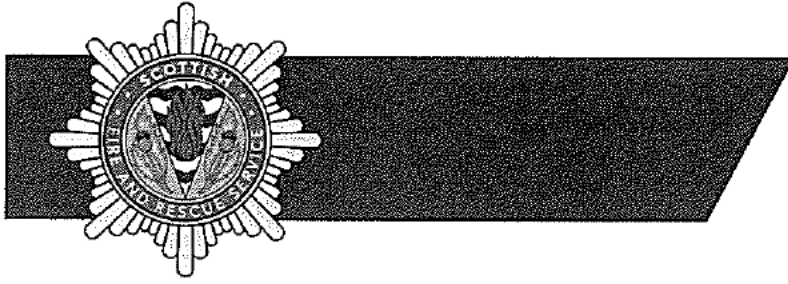
Appendix 2: Scottish Fire & Rescue Service response

APPENDIX 1 – CALEDONIAN HOTEL, ULLAPOOL - HMO

Community Services Environmental Health SCHEDULE OF NON-COMPLIANCE				
Premises	Staff Annexe The Caledonian Hotel, Quay Street, Ullapool, Highland, IV26 2UG		Visit Date	18/2/2020
No.	Adopted Standard	Licence Condition	Standard paragraph	
1	2.8	1.1	<p>The applicant intends on providing meals for residents on a "full board" basis</p> <p>The kitchen area for snack facilities is in a poor state of repair and must be suitably repaired and redecorated</p>	
2	6.1	1.1	<p>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.</p> <p>Bedroom room 3 requires a suitable heater, if electric, it must be permanently wired into the electrical installation.</p>	
3	8.3	1.1	<p>There was an insufficient number of 13-amp electrical sockets in the bedrooms</p> <p>The applicant requires to provide a minimum of 6 sockets in each bedroom.</p>	
4	11.2	1.1	<p>The rainwater goods (i.e. guttering, down pipes etc.) and associated drainage gullies are in a poor state of repair and require to be suitably repaired or replaced to ensure they function properly.</p>	
5	11.2	1.1	<p>The floor and wall coverings in several areas within the premises were in a poor state of repair and require to be suitably repaired and/or redecorated.</p>	
6	11.2	1.1	<p>Several windows were in a poor state of repair and require to be suitably repaired or replaced.</p>	
7	11.2	1.1	<p>The following internal areas require to be suitably repaired:</p> <ul style="list-style-type: none"> a. The holes in the wall in bedroom 7. b. The wash hand basin in bedroom 10 requires to be secured to the wall. 	

			c. All door frames should be repaired to ensure that all bedroom doors can be suitably locked.
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APPENDIX 2 – CALEDONIAN HOTEL, ULLAPOOL - HMO



Scottish Fire and Rescue Service
Highland
16 Harbour Road, Inverness
IV1 1TB
firescotland.gov.uk

FAO Angela Mair
Licensing Officer
Licensing & Landlord Registration
Chief Executive's Office
Council Offices
High Street
DINGWALL
IV15 9QN

Our Ref: UPRN 999000251599 DB/KLC
Your Ref:
Contact: Watch Commander David Bell
Contact No. 01862 811044
Email: david.bell@firescotland.gov.uk
Date: 23 October 2019

Dear Madam

FIRE (SCOTLAND) ACT 2005: PART 3
THE FIRE SAFETY (SCOTLAND) REGULATIONS 2006
HOUSE IN MULTIPLE OCCUPATION (HMO) LICENCE RENEWAL

ADDRESS OF PREMISES: CALEDONIAN HOTEL, QUAY STREET, ULLAPOOL IV26 2UG

DUTYHOLDER/LICENCEE: STUART LYTH

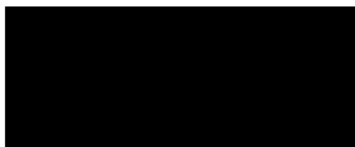
Following a fire safety audit of the above-mentioned premises carried out on 21 October 2019 by Watch Commander David Bell, the existing fire safety arrangements, as audited on that date, were not considered appropriate for the risk. An action plan has been sought from the duty holder to address the deficiencies found.

Based on the outcome of the fire safety audit, the Scottish Fire and Rescue Service are unable to support the renewal of an HMO licence at this time. This will remain the case until actions are taken to reduce the risk to an acceptable level.

The Scottish Fire and Rescue Service acknowledge that the renewal of a licence under Part 5 of the Housing (Scotland) Act 2006 is a matter for the relevant Local Authority HMO Licensing Department.

Should you require further information or clarification in relation to this letter please do not hesitate to contact the above-named officer at the following address Unit 5B, Dornoch Industrial Estate, Station Road, Dornoch IV25 3PG.

Yours faithfully



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RAB MIDDLEMISS
LOCAL SENIOR OFFICER
NORTH SERVICE DELIVERY AREA