

Agenda item	6.1
Report no	HLC/019/21

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 30 March 2021

Report title: Application for the renewal of a licence for a House in Multiple Occupation – 41 Crown Drive (Ward 16 – Inverness Millburn)

Report by: Acting 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.

2. Recommendation

- 2.1** Members are asked to determine the application in accordance with the Council's hearing 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.

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 28 April 2020 an application for the renewal of a licence in respect of a house in multiple occupation was received from William T Fraser & Son.

4.2 The property to which the application relates is 41 Crown Drive, Inverness.

4.3 The maximum number of persons applied for to reside in the premises is 5.

4.4 In terms of the abovementioned Act, the licensing authority have 12 months from receipt of the application to determine the same, therefore this application must be determined by 27 April 2021. Failure to determine the application by this time would result in the application being deemed to have been granted unconditionally.

5. 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 There have been no objections received from any of the abovementioned Agencies/Services.

6. Certification

6.1 As part of the licensing process the applicants require to submit a copy of their current portable appliance test (PAT) certificate.

6.2 This has been requested and the applicants have advised that this is in hand and they hope a certificate will be available shortly, however at the time of writing the certificate has not been received.

7. Determining Issues

7.1 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.

7.2 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.

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

7.4 A copy of this report has been sent to the applicants who have been invited to attend and will be provided with an opportunity to be heard by the Committee. They have also been advised of the procedure which will be followed at the meeting.

9. Policies

9.1 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.

10. Implications

10.1 Not applicable.

Date: 9 March 2021

Author: Michael Elsey

Background Papers: Housing (Scotland) Act 2006