

Agenda item	<b>9.1</b>
Report no	<b>HLC/062/21</b>

**THE HIGHLAND COUNCIL**

**Committee: THE HIGHLAND LICENSING COMMITTEE**

**Date: 26 October 2021**

**Report title: Application for the grant of a licence for a House in Multiple Occupation – 27 Innes Street, Inverness (Ward 14 – Inverness Central)**

**Report by: Principal Solicitor – Regulatory Services**

**1. Purpose/Executive summary**

**1.1** This report relates to an application for a licence for a house in multiple occupation.

**2. Recommendation**

**2.1** Members are asked to determine the application.

### **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 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 29 July 2021 an application for the grant of a licence in respect of a house in multiple occupation was received from Mrs Paula Strawhorn.

**4.2** The property to which the application relates is 27 Innes Street, 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 28 July 2022. 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.

### **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 Police Scotland, Fire Service, Building Standards and the Planning Service.

**5.3** Responses are awaited from the Environmental Health and Housing Services.

### **6. Objection**

**6.1** A letter of objection was received on 18 August 2021 in relation to the application. The objection has been signed by the following persons:

- Brenda Nicolson
- John Nicolson
- Avril Mackenzie
- Marjory Matheson

- Alan Matheson
- Steven Matheson
- Alison Forbes
- William Munro
- Jean Munro
- Kate MacLean
- Douglas McDowall
- Margaret Bowyer
- Mark Fellows
- Richard MacDonald
- Allister Forbes

## **7. Certification**

**7.1** As part of the application process the following up to date certification is required from the applicant:

- Certificate of Compliance
- Pat Testing Certificate
- Public Liability Insurance

**7.2** If the Committee is minded to grant the application delegated powers should be provided to the Acting Principal Solicitor to issue the licence only when all the above documents are submitted and checked as satisfactory and any works require by the Environmental Health Service have been satisfactorily completed.

## **8. Determining Issues**

**8.1** 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.

**8.2** 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.

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

**8.4** A copy of this report has been sent to the applicants who have been invited to submit written representations to state their case.

## **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](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: 5 October 2021

Author: Michael Elsey

Background Papers: Housing (Scotland) Act 2006 – Part 5

**Subject:** Innes Street HMO objection.

19.9.2021

We are writing to register our complete objection to the application for any further HMOs in Innes Street Inverness.

Over the many years that we have lived in this street there has been a steady erosion in the number of detached, semi detached, and terraced housing through conversion to HMOs.

We relied on what is left of our local community during the height of the pandemic -and we continue to do so.

HMOs tend to be concentrated in the city centre. It is unacceptable that family homes are being converted to HMOs.

We firmly believe this number should not be allowed within named residential areas in Inverness.

HMOs tend to be associated with the following issues:

- 1 A devastating erosion of community.
- 2 Loss of local character.
- 3 Increased noise complaints.
- 4 Increased anti-social behaviour.
- 5 Increase pressure of car parking which is already a hazard and problematic in this street.

Compounding this problem, numerous Airbnb letting in Innes Street has resulted in increased traffic and associated parking problems.

Further HMOs will make this situation worse (photo of street parking included)

Increase pressure on schools, doctors surgeries, who are already at breaking point. Crown primary, Crown school nursery, Millburn Academy, are all at full capacity.

We understand people require places to live.

However they deserve somewhere to call home.

To be part of a community where they can be supported by professionals.

To merely provide a room in an HMO with a group of strangers does not meet their needs.

Indeed, the only winners are the HMO owners who pay little to no regard for the health and well-being of those in their properties-and certainly absolutely no regard for those members of the local community where their HMOs are located.

The cumulative impact of further HMOs in Innes Street would be entirely negative.

We need community.

We need help and support.

We need all the points raised in this communication to be taken into consideration by the Highland Council.

We trust our views will be considered regarding more HMOs in Innes Street Inverness.

What Highland Council proposes to allay its residents deep concerns, to preserve what is left of our fragile community and take steps to help rebuild our community during this difficult and challenging times.

Thank you.

SEE OVERLEAF

NAME

ADDRESS

Signature

BRENDA Nicolson

John Nicolson

AREIL MACKENZIE

MARJORY MATHESON

Alan Matheson

STEVEN MATHESON

Alison Forbes

② William & Jean MUMFORD

Kate Maclean

DOUGLAS McDOWALL

MARGARET HELEN BOWYER

MARK FELLOWS

RICHARD MACDONALD

ALLISTER FORBES

