

Agenda item	8.1
Report no	HLC/005/21

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 18 January 2022

Report title: Application for the grant of a licence for a House in Multiple Occupation – 37 Telford Street, Inverness (Ward 14 – Inverness Central)

Report by: The 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 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 18 February 2021 an application for the grant of a licence in respect of a house in multiple occupation was received from MacAllan Properties Ltd.

4.2 The property to which the application relates is 37 Telford Street, Inverness (“the premises”).

4.3 The maximum number of persons applied for to reside in the premises is 24.

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 17 February 2022. 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 Police Scotland, Environmental Health Service and Planning Service.

5.3 The Fire Service have advised that they are due to carry out an inspection in early 2022 and a verbal update will be provided to the Committee at the meeting. The Building Standards Service advised that they visited the premises w/b 6 December 2021 and advised that the alterations being undertaken are nearly complete and they hope to issue the completion certificate early in the New Year. Again a verbal update will be provided to Members at the meeting.

5.4 A copy of the Portable Appliance Test Certificate and Tenancy Agreement have been requested from the applicants.

5.5 If the Committee is minded to grant the application, the applicant will be required to complete any works required by the Agencies/Services detailed in 5.1 of the report and submit any outstanding certification/documents prior to the licence being issued.

6. Late Objection

6.1 An objection was received on 5 December 2021 from Lynn Zagorski, however this was received after the 21 day period for objections had elapsed and therefore cannot automatically be considered by the Committee.

6.2 At the meeting Ms Zagorski will be invited to address the Members as to the reason why the objection was submitted after the required timescale. The applicant will be invited to address the Committee on the same and thereafter Members will require to determine whether there were sufficient reasons for the late objection and whether it should be heard.

6.3 If the Committee are minded to accept the late objection a copy will be circulated at the meeting. If not, the application will be determined in its absence.

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 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 applicant and the objector 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.

8. Policies

8.1 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.

9. Implications

9.1 Not applicable.

Date: 20 December 2021

Author: Michael Elsey

Background Papers: Housing (Scotland) Act 2006