

Agenda item	9.1
Report no	HLC/060/22

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 29 November 2022

Report title: Application for a licence for a House in Multiple Occupation – Zida House, 41 Clachnaharry Road, Inverness (Ward 13 – Inverness West)

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 14 December 2021 an application for a licence for a house in multiple occupation was received from Hosaam Tunveer.
- 4.2** The property to which the application relates is Zida House, 41 Clachnaharry Road, Inverness (“the premises”).
- 4.3** The maximum number of persons applied for to reside in the premises is 9.
- 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 13 December 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 Planning Service
 - Highland Council Housing Service
- 5.2** There have been no objections received from the abovementioned Agencies/Services.
- 5.3** The Building Standards Service have advised that they are awaiting the submission of a Completion Certificate to close out the alterations that were made to this property under Building Warrant ref: 19/01824/NDOM5. As such they are not able to support the granting of a licence at this time.
- 5.4** A copy of the electrical certificate, Portable Appliance Test (PAT) certificate and tenancy agreement has also been requested from the applicants, however, at the time of writing this has not been submitted.
- 5.5** The Principal Solicitor is unable to issue the licence at this time using delegated powers until the above matters have been satisfactorily undertaken.

6. Determining Issues

6.1 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.

6.2 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.

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

6.4 A copy of this report has been sent to the applicant who has 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.

7. 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. Implications

8.1 Not applicable.

Date: 9 November 2022

Author: Michael Elsey

Background Papers: Housing (Scotland) Act 2006