

Agenda item	<b>9.1</b>
Report no	<b>HLC/095/23</b>

**THE HIGHLAND COUNCIL**

**Committee: THE HIGHLAND LICENSING COMMITTEE**

**Date: 28 November 2023**

**Report title: Application for the renewal of a house in multiple occupation licence – 35 Glenurquhart Road, Inverness (Ward 13 – Inverness West)**

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

**1. Purpose/Executive Summary**

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

**2. Recommendation**

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

### **3. Background**

**3.1** On 26 September 2023 an application for the renewal of a house in multiple occupation licence was received from Mrs Marilyn Rattray in respect of 35 Glenurquhart Road, Inverness. The day to day manager of the premises is detailed on the application form as being Alex Gilchrist from the Highland Homeless Trust, 57 Church Street, Inverness.

**3.2** In terms of the Civic Government (Scotland) Act 1982 (the Act) the Licensing Authority have 12 months from receipt of the application to determine the same, therefore this application must be determined by 25 September 2024. 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.

### **4. Process**

**4.1** Following receipt of the application a copy 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

**4.2** At the time of writing Police Scotland, Environmental Health, Building Standards and Planning have confirmed that they have no objections to the application.

**4.3** Responses are awaited from the Fire Service and the Housing Service.

**4.4** The applicant also requires to submit the following up to date documents in respect of the premises:

- Electrical Certificate (EICR)
- Gas Certificate
- Portable Appliance Test (Pat) Certificate
- Public liability insurance certificate

### **5. Objection**

**5.1** On 17 October 2023 a letter of objection was received from Mr R. Brandon, a copy of which is attached as Appendix 1.

### **6. Determining issues**

**6.1** Paragraph 5(3) of Schedule 1 of the Act states that a licensing authority may refuse an application to grant or renew a licence where:

- (a) the applicant or anyone else detailed on the application is not a fit and proper person;
- (b) the activity would be carried out by a person other than the applicant who, if he had made the application himself, would have been refused;

(c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to

- (i) the location, character or condition of premises or the character or condition of the vehicle or vessel,
- (ii) the nature and extent of the proposed activity,
- (iii) the kind of persons likely to be in the premises, vehicle or vessel,
- (iv) the possibility of undue public nuisance, or
- (v) public order or public safety; or

(d) there is other good reason for refusing the application.

**6.2** If required the Principal Solicitor – Regulatory Services will offer particular advice on the criteria relating to this particular application.

## **7. Policies**

**7.1** The following policies are relevant to this application:

**7.2** Standard house in multiple occupation licence conditions. 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.

## **8. Implications**

**8.1** Not applicable.

Date: 9 November 2023

Author: Michael Elsey

Ref: HMO

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

Appendices: Appendix 1 Letter from Mr R. Brandon

Licensing Office  
Chief Executives Service  
Town House  
Inverness  
IV1 1JJ

Fao. Mr Michael Elsey

Dear Sirs

**Proposed HMO 11 216 license Renewal Application  
Chester Cottage, 35 Glenurquhart Road, Inverness**

I write to object to the HMO renewal application for 35 Glenurquhart Road, Inverness.

When the HMO License was granted one of the main requirements for granting a license was that adequate car parking for several vehicles was available to allow parking for staff, visitors, deliveries etc. without causing disruption to the main road. This major requirement was achieved by using an area of ground owned by the adjacent property.


However, the additional area of ground used for car parking is no longer available and because of this I would question if this property now meets the requirements for being granted an HMO License.

I attach a drawing showing the car spaces and cycle rack areas no longer available ( shown in green )

I would ask that this be given consideration when reviewing this application as this may now have a detrimental impact on Health and Safety on a very busy trunk road.

I look forward to your reply

Yours Faithfully

  
Mr R M Brandon

Address: 