

Agenda item	8.1
Report no	HLC/74/24

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 06 August 2024

Report title: Application for the grant of a licence for a House in Multiple Occupation – Tarradale School House, Black Isle Road, Muir of Ord (Ward 8 – Dingwall and Seaforth)

Report by: The Principal Solicitor – Regulatory Services

1. Purpose/Executive summary

- 1.1 This report relates to an application for the grant 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.

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.

- 3.2

4. Application

- 4.1 On 30 April 2024 an application for the grant of a licence in respect of a house in multiple occupation was received from The Highland Council.

- 4.2 The property to which the application relates is Tarradale School House, Black Isle Road, Muir of Ord.

- 4.3 The maximum number of persons applied for to reside in the house is 4.

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

5.2 All agencies/services above have indicated that they have no objections to the grant of the licence.

6. Representations and Objections

6.1 Representations in respect of the licence have been received from the following:-

- Gordon Shand, on behalf of Muir of Ord Community Council, submitted an email with representations in relation to the application. A copy is attached as **Appendix 1**
- Alasdair and Fiona Reid submitted an email with objections in relation to the application. A copy is attached as **Appendix 2**.

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, Muir of Ord Community Council and Alasdair and Fiona Reid who have all been invited to attend the meeting and will each be

provided with an opportunity to be heard by the Committee. They have also been advised of the procedure which will be followed by 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: [Apply for a licence - Houses in multiple occupation \(HMO\) | The Highland Council](#) or a hard copy can be supplied where requested.

9. Implications

9.1 Not applicable.

Date: 15/07/2024

Author: Angela Mair

Background Papers: Part 5 of the Housing (Scotland) Act 2006

Appendices:

Appendix 1 – Email representation from Mr G Shand dated 17 June 2024

Appendix 2 – Email objection from Mr and Mrs Reid dated 20 June 2024

From: [REDACTED]
Sent: Monday, June 17, 2024 9:31 AM
To: Licensing <licensing@highland.gov.uk>
Cc: Community Councillors [REDACTED] >
Subject: HMO License application - Old School House, Muir of Ord - HMO/21/062

CAUTION: This email was sent from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Apologies if this email is directed at the wrong person/area but I was unable to find out who to direct this too.

This email expresses the views of Muir of Ord Community Council, following representation from the public and organisations directly affected by THC's plans for the 'Old School House'. These plans have never been consulted on and took some time to confirm by THC.

The Old School House, Muir of Ord – HMO application HMO/21/062

Over the last few months the Muir of Ord Community Council have been trying to clarify THC's intent for the above property. The refurbishment of this building and it's intended use had been masked in secrecy and took considerable effort to arrange a meeting with THC and social work department to arrive at the answer. At this meeting the CC were advised of the imminent arrival of asylum seeking refugee 'children' and the arrangements being made to support them. An HMO license application has been made [HMO/21/062] to support this and **the CC would like to state, and put on record, our views and concerns following representation from members of the community, for consideration by the Licensing board.**

1. The secrecy surrounding the refurbishment of the property and complete lack of communication / consultation with the community, CC, Tarradale school and council elected members over the use of this facility is dismissive of any views the community may have. This is contrary to HC's published organisational values, principles and behaviours and only inflames an already delicate situation, driven by rumour and conjecture.

2. The Old School House is in the heart of the village next to Tarradale Primary school, the pupil drop off area and the nursery play area, as well as one of the main pick-up points for secondary school pupils heading to Dingwall academy. The village has already had experience of having an HMO on the main street and suffering the anti social behaviour linked to some residents. A great effort has been made to regenerate the centre of the village [The Hub + village square] and community fears are that the past may be repeated.

3. The CC understands the incoming 'children' are all male and are aged 16+. They arrive without any background checks being done so their identity, age, health and potential criminal record are all unknown. As the facility is not permanently supervised the risk profile for this must be considered as high, and not ideal for the location proposed.

The CC understands the requirement for such facilities due to the government's failure on immigration policy, but this is not an excuse to present a community with a 'faite accompli' solution when early consultation with the community and organisations impacted could have led to a better understanding of the situation and a more ideal solution. Official objections may be incoming from members of the public who have been in contact with the CC, however, the process for this doesn't seem immediately clear to us/them.

Regards
Gordon Shand
[Community Councillor]
on behalf of Muir of Ord Community Council

From: [REDACTED]
Sent: Thursday, June 20, 2024 9:28 PM
To: Iain Meredith (Legal Team (Licensing)) <Iain.Meredith@highland.gov.uk>
Cc: Angela Mair (Legal Team (Licensing)) <Angela.Mair@highland.gov.uk>
Subject: Re: HMO

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Hello Iain
Thanks for the reply, my details are as below.

[REDACTED]

Regards
Alasdair

On Thursday, 20 June 2024, 09:48:51 BST, Iain Meredith (Legal Team (Licensing)) <Iain.Meredith@highland.gov.uk> wrote:

Good morning Alasdair

If you can confirm for me your full name and address then we can accept this as a representation to be taken into account when the application is considered.

Regards

Iain Meredith | Acting Principal Solicitor | Regulatory Services | The Highland Council |
Glenurquhart Road | Inverness | IV3 5NX

I am hybrid working and can be contacted by email and via Microsoft Teams

From: [REDACTED]
[REDACTED] Wednesday, June 19, 2024 9:15 PM
To: Iain Meredith (Legal Team (Licensing)) <Iain.Meredith@highland.gov.uk>
Subject: HMO

CAUTION: This email was sent from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Mr. Meredith,

I hope this note finds you well.

Grateful if you can confirm if you are the correct recipient of this email. If not, could you please pass it on to the appropriate person?

I am writing to object to the change of use regarding the former Tarradale Primary School house from a family home to an HMO to accommodate asylum-seeking children. We own the house [REDACTED] directly across the road from the Schoolhouse, and we are aghast at the thought of this very nice family home being converted to an HMO.

This whole debacle has been shrouded in secrecy. No consultation or notice of change of use has been given to us as neighbors, nor to the residents of the village or the community as a whole. We only found out about the potential use of this house because my wife spoke to the workmen who were refurbishing the house.

After eventually finding out some information, we attended an unofficial meeting by the Community Council where a member of the Social Work Department made an appearance to explain what was being planned. He told us that the house was going to accommodate two persons until an HMO license was approved, after which four persons would be housed. Questions were asked about the potential residents, and he explained in his own words that 'they were basically just off the boats' and that the authorities have absolutely no information about these people, so there is no proof of age, health conditions, or criminal convictions. When asked about supervision, we were told there would be no full-time warden but only when resources permitted. This is obviously a huge concern—to think that four young men are essentially dropped into a strange area, about which they know nothing and nobody knows anything about them, with free rein to do anything. Surely at the very least, there should be a curfew for nighttime and some sort of check-in system?

Housing these people right next door to a primary school, nursery children's play area, secondary school bus drop-off and collection area, and a busy community hub/café all in the very heart of the village is lunacy and morally bankrupt by the Highland Council.

Below i have added additional concerns flagged by members of the community:

1. **Safety and Security Risks:** The lack of regulation and supervision of the residents poses a potential risk to the safety and security of the children attending the school and using the nearby play area.
2. **Community Disruption:** Introducing an HMO with unregulated occupancy can lead to disturbances and a lack of community cohesion. The presence of individuals with unknown backgrounds and potentially troubled pasts can create an environment of uncertainty and fear among residents.

3. **Lack of Resources and Support:** The village may not have the necessary resources and support systems in place to accommodate the needs of the new residents. This can lead to inadequate care and supervision, further exacerbating potential issues.
4. **Impact on Property Values:** The conversion of a family home into an HMO can negatively impact property values in the area. Families looking to move into a safe and secure neighborhood may be deterred by the presence of an unregulated HMO.
5. **Strain on Local Services:** An increase in the number of residents with potentially high needs can strain local services such as healthcare, law enforcement, and social services. This can lead to a decrease in the quality of services available to the existing residents.
6. **Noise and Disturbance:** An HMO with multiple occupants can result in increased noise levels and disturbances, especially if the residents are not adequately supervised. This can disrupt the peaceful environment necessary for a school and residential area.

Muir of Ord has suffered in the recent past from a very troublesome HMO only 50 meters away from this proposed one, with a never-ending police presence in attendance and residents of the village, both young and old, being intimidated by the problematic people staying within the HMO.

I look forward to hearing from you.

Best regards,

Alasdair