

The Highland Licensing Committee

Meeting – 4 November 2014

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| Agenda Item | 8.1 |
| Report No | HLC/075/14 |

Application for the grant of a licence for a house in multiple occupation – 1 Rangemore Road, Inverness (Ward 15 – Inverness Central)

Report by the Legal Manager

Summary

This Report relates to an application for a licence for a house in multiple occupation.

This application is subject to a formal hearing procedure.

1.0 Background

1.1 The licensing of houses in multiple occupation is an activity covered under Part 5 of the Housing (Scotland) Act 2006. The licensing of this activity became mandatory on 1 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.

1.2 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.

2.0 Application

2.1 On 22 August 2014 an application for the grant of a licence in respect of a House in Multiple Occupation was received from Laura Main. The applicant has declared that the Belvoir Property Management, 18 Queensgate, Inverness will be responsible for the day to day management of the premises.

2.2 The property to which the application relates is 1 Rangemore Road, Inverness. The maximum number of persons applied for to reside at the property is 5.

2.3 A location plan is appended for Members information (Appendix 1).

2.4 The premises were first licensed as an HMO in January 2009 by the previous owner who held a licence until January 2015. Ms Main, being the new owner, has to apply for the licence in her own name.

3.0 Process

3.1 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

3.2 At the time of writing confirmation has been received from Police Scotland, the Council's Environmental Health Service, Building Standards Service and the Planning Service that they have no objections to the application.

3.3 Any outstanding responses and documents or certificates required by the remaining Services will be requested from the applicant should the Committee be minded to grant the application.

4.0 Objections

4.1 In terms of Section 4(2) of Schedule 4 of the Housing (Scotland) Act 2006 any objection or representation in relation to an application requires to be submitted within 21 days of the application being made.

4.2 A letter of objection from Mr Allan Hansen has been received in relation to the application, a copy of which is attached at Appendix 2. This objection has been submitted within the abovementioned timescale.

5.0 Hearing

5.1 In accordance with the Act both the applicant and objector have been invited to attend the meeting and will be provided with an opportunity to address the Committee through the attached hearing procedure.

6.0 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.

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 Legal Manager will offer particular advice on the criteria relating to this particular application.

7.0 Policies

7.1 The following policies are relevant to this application:

Highland Council HMO Conditions and Standards. A copy of these can accessed at:

http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/303/miscellaneous_licences/2

or a hard copy can be supplied where requested.

8.0 Other Requirements

8.1 If members are minded to grant the application delegated powers should be given to the Legal Manager to issue the licence once any requirement required by the Services details in Paragraph 3.1 of the report have been completed and any relevant documents and certification submitted.

9.0 Recommendation

Members are **invited** to give consideration to the above application.

If Members are minded to grant the licence, agreement in principal could be given that the licence be issued by the Legal Manager using delegated powers once any works, documents and certification has been received.

Alternatively the Committee may wish to refuse the application on one of the grounds detailed in paragraphs 6.1 and 6.2 of the report.

Designation: Legal Manager

Officer Reference: Michael Elsey

Date: 2 October 2014

Attachments: Appendix 1 – Location plan of premises
Appendix 2 – Letter of objection



1 Rangemore Road, Inverness
Scale 1:1500

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Dear Michael Elsey,

The Highland Council, Town House, Inverness, IV1 1JJ.

RECEIVED
2 - SEP 2014

Objection to HMO license application

Regarding: Davaar, 1 Rangemore Road

Applicant: Laura Main, C/O Belvoir, 18 Queensgate Inverness IV1 1DT

Firstly the public notice cannot be seen from public road, it is only visible to people attending the front door at Davaar 1 Rangemore Road, that isn't public, what else is the applicant hiding? We only became aware of the public notice on August 28th 2014 thanks to neighbour.

I insist that the notice is placed where the public can see it and that a new 21 day period to object is applied, also due to the nature of the corner plot layout that 2 notices are displayed for obvious reasons.

This application for a House in Multiple Occupation license is a major concern to me and my wife living in the house next door in the same building.

The location is outright wrong, to have a House in Multiple Occupation at the busy main entrance to the city's High School isn't right.

It is also highly inappropriate to spoil an old Victorian house for profit, the new owners only intention with buying the house is to make profit, this is not the right location for bedsits or tiny flats and we know only too well the clientele and the problems there follows.

Rangemore Road no. 1 is a semi detached house, although it has been run as an HMO under previous ownership we cannot longer accept the nuisance, it was nearly bearable when previous owner lived there but in the past years in his absence there has been problems with noise, fire alarms not being turned off, death going unnoticed for length of time, toilets running and making noises for long periods of time, lots of people coming and going day and night, noise through dividing wall, smoking shack at the front door and so on.

Rangemore Road is houses, not bedsits.

That someone from a distance should be allowed to spoil our lives for profit, is unacceptable.

Please consider only to allow any change to be into a family home as it was build for.

Regards,
Allan Hansen
3 Rangemore Road
Inverness
IV3 5EA

31/08-2014



