

The Highland Licensing Committee

Meeting – 28 March 2017

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| Agenda Item | 10.1 |
| Report No | HLC/022/17 |

Application for the renewal of a licence for a house in multiple occupation – The Royal Hotel, High Street, Dingwall, IV15 9HL (Ward 9 – Dingwall and Seaforth)

Report by the Principal Solicitor – Regulatory Services

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 2 June 2016 an application for the renewal of a licence in respect of a house in multiple occupation was received from GandM Properties Scotland Ltd. The director of this company is listed on the application as Mr Mohamed Ali Mohamed and the day to day manager is Miss Melanie Jayne Dewhurst.

2.2 The property to which the application relates is The Royal Hotel, High Street, Dingwall. The maximum number of persons applied for to reside at the property was 21.

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 Police Scotland and Highland Council Planning Service have responded to confirm that they have no objections to the application.

3.3 Scottish Fire and Rescue Service have responded to confirm that they have no objections to the grant of the licence but have made observations in relation to the premises as per their email contained in appendix 1 and their letter contained in appendix 2.

3.4 Highland Council Building Standards have responded that despite numerous messages left to arrange a site inspection and to be provided with an up-to-date plan of the premises the applicant has not responded.

3.5 On 26 September 2016 Highland Council Environmental Health submitted a schedule of non-compliance report, a copy of which is contained in appendix 3, which was copied and sent to the applicant asking if they would be able to undertake the remedial works required. To date, no response has been received from the applicant.

3.6 No response to the consultation has been received from Highland Council Housing Service.

3.7 The application requires to be determined by 1 June 2017, failing which, in terms of the Act, an HMO licence will be deemed to have been granted unconditionally.

4.0 Hearing

4.1 In accordance with the Act both the applicant and persons submitting representations have been invited to attend the meeting and will be provided with an opportunity to address the Committee through the hearing procedure.

5.0 Determining issues

5.1 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 to be authorised to permit persons to occupy any living accommodation as an HMO.

5.2 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.

5.3

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

6.0 Policies

6.1 The following policies are relevant to this application:

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

http://www.highland.gov.uk/directory_record/738757/houses_in_multiple_occupation_hmo

or a hard copy can be supplied where requested.

7.0 Recommendation

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

If members are minded to grant the application delegated powers should be given to the Principal Solicitor – Regulatory Services to issue the licence only once satisfied that any relevant requirements detailed in Paragraph 3.3, 3.4 and 3.5 of the report have been met and any relevant documents and certification submitted and approved.

Members are further invited to grant delegated power to the Principal Solicitor – Regulatory Services to refuse the application under section 131 of the Act if those requirements have not been met and the relevant documents and certification have not been submitted and approved by 1 June 2017.

Officer Reference: Angela Mair

Date: 14 March 2017

Attachments: Appendix 1 – Scottish Fire and Rescue Services email
Appendix 2 – Scottish Fire and Rescue Service letter
Appendix 3 – Highland Council Environmental Health schedule of non-compliance

Angela Mair

From: Illston, Andrew <Andrew.Illston@firescotland.gov.uk>
Sent: 12 July 2016 12:42
To: Angela Mair
Cc: Emma Kennedy; Susan Blease
Subject: RE: HMO Licence - The Royal Hotel, High Street, Dingwall, IV15 9HL

Angela

As per our telephone conversation earlier today, I can confirm that SFRS has no objections to the granting of the licence.

The letter forms the basis of our observations, and the current level of enforcement would not normally require a follow up inspection. The licence response form should be heading your way from our admin team. Current IT issues are preventing me from processing it myself.

The risk scoring would have been higher if the manager had not put interim risk reduction measures in place, and had I not had verbal assurances from the fire alarm engineers of the status of the fault and the intended timescale to effect a full repair.

There are also on going works to gradually improve the premises and increase the B&B element and decrease the HMO capacity. Breaks in compartmentation are inevitable during such works, however I have drawn it to their attention to keep these to a minimum.

The external steel fire escape does require immediate repair due to excessive corrosion, and should be a prioritised by the duty holder.

No documentation or other evidence was produced at the time of audit to demonstrate that the external stair underwent regular inspection by a competent person. Has HC received any such evidence as part of the HMO licence application?

If other partner agencies are due to visit the premises in the near future and they have any concerns, they should contact SFRS and this may prompt further investigation and or action by us.

The risk level calculated by our systems may prompt an annual inspection of the premises.

I will remain in contact with the duty holder to assess the progress being made.

Please do not hesitate to contact me should you have further information or concerns.

Kind regards

andy

From: Angela Mair [<mailto:Angela.Mair@highland.gov.uk>]
Sent: 06 July 2016 13:52
To: Illston, Andrew
Cc: Emma Kennedy; Susan Blease
Subject: HMO Licence - The Royal Hotel, High Street, Dingwall, IV15 9HL

Dear Mr Illston

I refer to your letter ref. 03/01/0020/UPRN 130107980 AI/KLC dated 29 June 2016 which was cc'd to Highland Council HQ and has been passed to this office as we administer HMO licence HMO/21/028-2 G&M Properties Ltd for The Royal Hotel. G&M Properties Ltd applied to renew their licence on 20 April 2016 and I believe our consultation to Scottish Fire & Rescue Service on the application may have prompted your fire safety audit of the premises.

I would ask that you please inform me once you can confirm compliance and also keep me informed of any follow up to this audit.

Also, could I ask you to clarify whether you are recommending Highland Council take action to revoke the HMO licence or are you content to deal with the matter under your own powers?

Regards
Angela

Angela Mair

Licensing Officer
Licensing & Landlord Registration
Corporate Development Service
Council Offices, High Street, Dingwall, IV15 9QN
Tel: 01349 868493 Fax: 01349 863465
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Listening * Open * Valuing * Improving * Supporting * Partnering * Delivering
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SCOTTISH
FIRE AND RESCUE SERVICE

Working together for a safer Scotland

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E-mail andrew.illston@firescotland.gov.uk
Our Ref 03/01/0020/UPRN 130107980
AI/KLC
Your Ref
If phoning or calling ask for
Date 29 June 2016

RECEIVED
04 JUN 2016
BUSINESS SUPPORT TEAM

Dear Sir

FIRE (SCOTLAND) ACT 2005: PART 3
THE FIRE SAFETY (SCOTLAND) REGULATIONS 2006

NAME AND ADDRESS OF PREMISES: THE ROYAL GUEST HOUSE, HIGH STREET, DINGWALL, IV15 9HL

TYPE OF OCCUPANCY: HMO/GUEST HOUSE

DUTYHOLDER: MOHAMED ALI MOHAMED - G & M PROPERTIES LTD

OUTCOME OF FIRE SAFETY AUDIT

Following the fire safety audit of the above mentioned premises carried out on 13 June 2016 by Watch Manager Andy Illston you are hereby informed that the existing fire safety arrangements, as audited on that date, **require some areas for improvement.**

Effect should be given to the areas highlighted below as identified during the audit process:

INADEQUATE APPLICATION OF THE FIRE RISK ASSESSMENT PROCESS

Sections 53, 54

Inadequate application of the fire safety risk assessment process.

1. The fire risk assessment should be reviewed to ensure that it considers all of the fire hazards and all of the fire safety measures that are or should be in place. For instance, the external means of escape had not been considered by the assessment.

Regulations 18 & 20

Inadequate provision of information and training to employees.

2. It is strongly advised that any persons who deputise in the event of the manager's absence are trained to fire warden standard or equivalent, so that they have the necessary knowledge and skills to manage the full evacuation of the premises in the event of fire.

Regulation 13

Inadequate provision of means of escape and means for securing the means of escape.

BUSINESS SUPPORT HQ

3. Sections.../

PA 07/06

RECEIVED

2.

The Royal Guest House, Dingwall

29 June 2016

3. Sections of the external steel fire escape were found to be heavily corroded, and should be repaired by a competent person as a matter of urgency.
4. No evidence was provided to demonstrate that the external steel means of escape was subject to routine inspection and/or maintenance by a competent person. The external steel means of escape should be fully inspected by a competent person and evidence provided to this office that it is fit for purpose. Thereafter it should be subjected to a programme of routine inspections, maintenance and repair to ensure that it remains safe to use.
5. All external fire escape routes should be provided with maintained (60 minute) emergency lighting which provides sufficient illumination throughout its length and in particular at changes of height and direction, in compliance with BS 5266 current edition.

Sections 53 & 54

Inadequate provision of reasonable measures taken to reduce the risk of fire.

6. To reduce the possibility of wilful fire raising storage areas should be kept secure to prevent unauthorised access.
7. A C2 issue with the mains electrical system identified during the recent fixed wiring test should be rectified as soon as is practicable.
8. The use of portable electrical heaters and multi-plug extension leads is not recommended. Safer alternatives heat sources and additional plug sockets would resolve these issues.

Sections 53 & 54

Inadequate provision of reasonable measures taken to reduce the spread of fire.

9. There are a number of breaks in the fire compartmentation of the premises. Some are due to ongoing works, and others due to damage caused by residents. The breaks in compartmentation should be repaired as soon as is practicable, using materials of suitable resistance to fire.
10. The door to bedroom 7 should be replaced as soon as is practicable as it is beyond repair. The replacement door should be of suitable fire resistance, made close fitting within its frame, and be made self-closing in action from all angles of opening.
11. At the time of audit a section of the automatic fire warning and detection system was found to be not functioning. The maintainer had ordered the required parts to effect the repair. As an interim risk reduction measure the manager had introduced a regular fire watch of the premises. Please confirm to this office once the required repairs have been completed.

The above risk control measures should not be regarded as the only option for achieving the benchmark standards. Other fire safety risk assessment methods or fire safety measures which achieve the same end may be considered.

You are.../

3.

The Royal Guest House, Dingwall

29 June 2016

You are however, reminded that the process of fire safety risk assessment should be ongoing. If there is reason to suspect that the current fire safety risk assessment is no longer valid, or if there has been a significant change in the matters to which it relates, then the assessment must be reviewed by the dutyholder and any changes in the fire safety measures required must be made to ensure continued compliance with the said Act and Regulations.

Where to get advice or further information

More detailed guidance on the Act and Regulations and fire safety risk assessment is available on the Scottish Fire and Rescue Website <http://www.firescotland.gov.uk>.

Free advice is available from the Scottish Fire and Rescue Service on technical details and options for compliance, however the dutyholder is responsible for carrying out the fire safety risk assessment for their premises; and identifying and implementing the fire safety measures necessary as a result of the findings of the fire safety risk assessment.

Should you require further information or clarification in relation to this letter please do not hesitate to contact the above named officer at the following address: 16 Harbour Road, Longman West, Inverness IV1 1TB.

Yours faithfully



pp
LOCAL SENIOR OFFICER

cc: Melanie Dewhurst, Manager, The Royal Guest House, High Street, Dingwall IV15 9HL
Highland Council, Council HQ, HMO Department, Glenurquhart Road, Inverness IV3 5NX

APPENDIX 3

Community Services Environmental Health SCHEDULE OF NON-COMPLIANCE

| Community Services Environmental Health SCHEDULE OF NON-COMPLIANCE | | | | |
|---|--|---|---------------|----------|
| PREMISES | | Royal Hotel Dingwall | VISIT DATE | 1/9/2016 |
| No | Standard Contravened (Incl. Ref) | Comments | | |
| 1 | Licence Condition 4.0 Approved Standards 11.1 | <p>The external window frames are required to be repaired and repainted. Vegetation is growing out of the guttering and must be removed. The ceiling area around the window frame in bedroom number 12 has been damaged by the ingress of water and must be repaired The the sash cords for the window in bedroom number 10 requires to be repaired The shower room on the 3rd floor and the shower room in bedroom 28 require to be fitted with an extractor fan. The ceiling in the kitchen has been damaged and must be repaired and repainted.</p> | | |
| 2. | Licence Condition 11 Approved Standards 8.6 | <p>The area being used as the dining room /lounge requires to have a window fitted with an opening area equal to at least 1/30th of the floor area.</p> | | |
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