

Agenda item	10.3
Report no	HLC/034/18

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 15 May 2018

Report title: Application for the renewal of a licence for a house in multiple occupation – Staff House, Garve Hotel, Garve, IV23 2PR (Ward 5 Wester Ross, Strathpeffer and Lochalsh)

Report by: The Principal Solicitor – Regulatory Services

1. Purpose/Executive summary

- 1.1** This report relates to an application for the renewal of a licence for a house in multiple occupation.
- 1.2** This item is subject to a formal hearing procedure.

2. Recommendation

- 2.1** Members are asked to determine the application in accordance with the Council's Hearings Procedure.

If members are minded to grant the application, delegated power is sought to allow the Principal Solicitor – Regulatory Services to issue the licence if the works required to bring the property up to the Council's HMO standards have been completed to the satisfaction of the Council's Environmental Health Service, and the relevant documents and certification submitted, by 20 June 2018, or to refuse the application under section 131 of the Housing (Scotland) Act 2006 should the Council's HMO standards not have been met, and the necessary documents and certification submitted, by that date.

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 (the "Act"). The licensing of this activity became mandatory on 1st 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.

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 21 June 2017 an application for the renewal of a licence in respect of a house in multiple occupation was received from David Urquhart Travel Ltd. The application was subsequently amended to be in the name of Hart Hotels Ltd. The directors of this company are listed on the application as Mr David Urquhart and Mr John Mahoney. The day to day manager is detailed as Ms Gemah Graham.

4.2 The property to which the application relates is Staff House, Garve Hotel, Garve, IV23 2PR.

4.3 The maximum number of persons applied for to reside in the house is 10.

5.0 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
- Highland Council Housing Service

5.2 Police Scotland, Scottish Fire and Rescue Service, Building Standards Service and the Planning Service have responded to confirm that they have no objections to the application.

5.3 The Council's Environmental Health Service responded to advise that works were required for the property to meet the Council's HMO standards and this response was copied to the applicant. The applicant has now confirmed that the works are underway.

5.4 The application must nonetheless be determined by 20 June 2017, failing which, pursuant to paragraph 9 of Schedule 4 to the Act, it will be deemed to have been granted unconditionally.

6.0 Determining issues

6.1 Section 130 of Part 5 of the Act 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 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 licensing 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.

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: 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.

8.0 Other requirements

8.1 If members are minded to grant the application delegated powers should be given to the Principal Solicitor – Regulatory Services to issue the licence once the works required by the Environmental Health Service to bring the property up to the Council's HMO standards have been completed and any relevant documents and certification submitted.

Delegated power should also be given to the Principal Solicitor – Regulatory Services to refuse the application under section 131 of the Act, on the grounds that the property is unsuitable for occupation as an HMO, should these works not be completed, and relevant documents and certification submitted, by 20 June 2018.

9.0 Implications

9.1 Not applicable.

Date: 30 April 2018

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Background Papers: Housing (Scotland) Act 2006

Appendix 1: Environmental Health Service response