

Agenda item	7.1
Report no	HLC/061/18

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 2 October 2018

Report title: Application for the renewal of a licence for a House in Multiple Occupation – 38 Montague Row, Inverness (Ward 13 – Inverness West)

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.

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 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.

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 20 August 2018 an application for the renewal of a licence for a house in multiple occupation was received from the Highland Homeless Trust.

4.2 The property to which the application relates is 38 Montague Row, Inverness.

4.3 The maximum number of persons applied for to reside in the house is 7.

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

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 There have been no objections received from, Police Scotland, Fire Service, Building Standards, Planning and Housing Services.

5.3 At the time of writing the Council's Environmental Health Service had still to undertake an inspection of the premises. A verbal update will be provided at the meeting.

6.0 Objections

6.1 Five letters of objection/representation have been received from the following:

- Mrs Sandra Carr
- Mr Stephen Carr
- Mr Andrew Wright
- Mr and Mrs A Harrison
- Mrs Angela MacKay

6.2 Copies of these letters are contained in Appendix 2 of the report.

7.0 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.

8.0 Policies

8.1 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.

9.0 Other requirements

9.1 If members are minded to renew the application delegated powers should be given to the Principal Solicitor – Regulatory Services to issue the licence once any requirements required by the Services details in Paragraph 5.1 of the report have been completed and any relevant documents and certification submitted.

10.0 Implications

10.1 Not applicable.

Date: 12 September 2018

Author: Michael Elsey

Background Papers: Civic Government (Scotland) Act 1982

Appendix 1: Site plan of premises

Appendix 2: Letters of objection/representation





Salon Services Ltd
34 Montague Row
Inverness
IV35DX

5 September 2018

Highland Council
HMO Licencing
Town House
Inverness
IV1 1JJ

Dear Sirs,

We wish to draw to your attention the fact that our Private Car Park is being used by some of the occupants of the HMO at 38 Montague Row, Inverness, IV3 5QB as a drinking den and every second day we are having to clear away broken bottles, clothing and excrement from the Car Park.

We are sure you will agree that this is a totally unacceptable situation which has over the last few months got worse and worse especially as now they are using the Car Park during the day when the shop is open and when we have customers using the Car Park to park their cars while visiting the shop.

We understand that the License is soon to be up for renewal and as a Company we feel that either it is NOT renewed or serious restrictions are put in place to curb this anti-social behaviour that we and our customers are having to put up with.

We would be obliged if some-one from the Council could come to the shop and discuss and resolve the matter

Yours faithfully

A solid black rectangular box redacting the signature of Angela Mackay.

Angela Mackay (Mrs)
Manager

RECEIVED

07 SEP 2018

Andrew and Lara Harrison
2 Rangemore Road
Inverness
IV3 5EA

6th September 2018

Licensing Office
Highland Council
Town House
IV1 1JJ

To whom it may concern,

Response to a notice made by the Highland Homeless Trust ("HHT") to the Highland Council for the renewal of a licence for a house in multiple occupation made on 17th August 2018.

Premises located at 38 Montague Row (Planefield House), IV3 5QB

My wife and I have lived at 2 Rangemore Road for eight years now and in the last few years, the behaviour of the service users at Planefield House has unfortunately been an issue for us on many occasions. The instances of anti-social behaviour are frequent (weekly, if not daily) and we have had to contact the warden of the house directly on a number of occasions in order for anything to be done.

Examples of the anti-social behaviour include:

- Loud music being played whilst the windows are wide open to the extent that it is unpleasant for us to sit in the garden during the day and makes it difficult to hear the television at night time. On some occasions, we have even had to move our daughter into a different bedroom to sleep;
- Residents of the house are frequently on the street in front of the house consuming alcohol. It is not uncommon for there to be at least half a dozen young people gathered on the street, which is intimidating to quite a few older residents/users of the corner shop;
- The residents have friends who visit but instead of going to the door, they favour standing in the street and shouting up to their friends. This usually includes expletives;
- Items thrown from windows including bottles and crockery smashed on road and CD's thrown into our garden; and
- Residents coming in to our garden to retrieve footballs (although, I did put a stop to this; with a five-year-old daughter, I do not want strangers coming in to our garden, no matter what the reason).

Visits from the police (plus the odd ambulance) to the address are not unusual.

In addition to the behaviours noted above, we feel that there is inadequate supervision of the residents. In the summer, the current residents took to climbing on to the low roof at the side of the property to listen to music and drink.

On its own this is bad enough, but it is also dangerous and several slates of the roof are now loose. It also resulted in the residents directly overlooking our garden, which is not usually visible due to the high wall around it. This made my daughter and the little boy from next door quite nervous. It did not appear the warden was aware of the behaviour but if they were, they should have done something about it. As a high school teacher, I would not be happy for any child under my supervision to be allowed to behave in the way that we see at Planefield House.

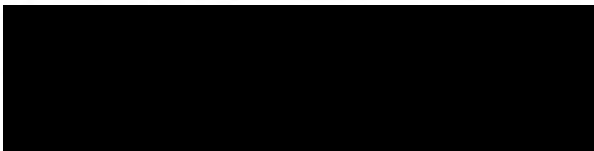
We feel that we, and our neighbours, should not have to tolerate such inconsiderate behaviour.

We have no objection in principle to an HMO, and wholly understand that the users of Planefield House come from troubled backgrounds and need somewhere to stay. We have been out to ask the residents to stop various behaviours (playing "kerby" at 11pm), and they have been apologetic, but it does not seem to stop the behaviour being repeated. However, with several young children now being in residence around Planefield House, we think that more consideration should be given to the likely behaviour of the tenants before they are allocated a room in the property and that supervision of the residents should be stricter so as to minimise the disturbances.

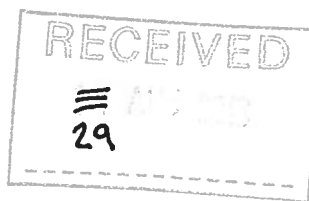
If you have any questions on the above, please feel free to contact myself or my wife on [REDACTED] or [REDACTED] respectively

Yours faithfully

Andrew and Lara Harrison



Highland Council
Town House
Inverness
IV1 1JJ



17 Fairfield Road
Inverness
IV3 5QD

25th August 2018

Dear Sir

I hereby put in writing my objection to the renewal of the House in multiple occupation licence which relates to 38 Montague Row, Inverness, by Highland Homeless Trust.

My wife and I live opposite the property and we have, on many occasions, had unpleasant exchanges with the residents and had to suffer from their antisocial behaviours.

I realise that this property is a house for those with nowhere else to go, which is why I have hesitated to write this. However, the continued actions and repercussions we have felt as a family have forced my hand.

There is often shouting, screaming, swearing and loud noise (music or shooting from video games) coming from the property, so much so that my 2 year old son has been scared to play in our garden.

We have had to ask residents, on a number of occasions, not to trespass on our property, not to sit on our gate, our wall or to loiter outside our garages.

We have on more than one occasion had alcohol bottles thrown into our garden (I can only assume they came from the property as others of the same brand were lined up along their windowsill). This is particularly upsetting as our toddler could easily pick up the broken glass and injure himself.

There has been evidence that people have been in our garden. I cannot prove it was residents from the property, however their constant loitering outside has lead me to believe it was they.

I have witnessed the residents intoxicated and indeed seemingly on drugs outside the property and outside in the street, often late at night and often making a lot of noise.

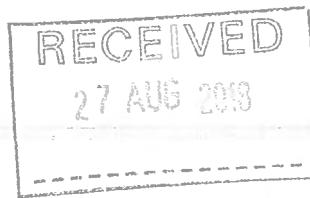
I have witnessed what appear to be drug deals with residents.

Eggs have been thrown at our car and garage. Again I cannot prove this was done by residents, however there is often food, glass and other things on the road outside the property, seemingly having been thrown out their windows.

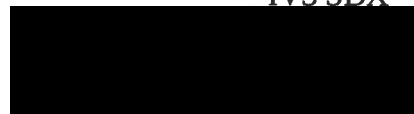
I do not wish the residents of the property ill will, however it is only because I am aware of their circumstances that I have not called the police on a number of occasions and if the licence is granted and the behaviour continues, I fear that I shall be forced to do this with some regularity.

Yours Faithfully

Andrew Wright



36 Montague Row
Inverness
IV3 5DX



Mr Michael. Elsey.
Licencing Committee
Town House
Inverness
IV1 1JJ

27th August 2018

RE: 38 Montague Row HMO licence renewal.

Dear Mr Elsey,

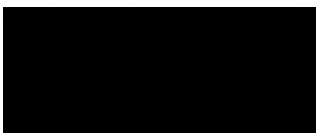
I am writing to you to notify you of my objection to the property at 38 Montague Row having its licence to operate as a HMO renewed.

The reason for this is the anti-social behaviour that's been committed by the residents for as long as I have stayed in the street.

This has ranged from simply making too much noise late at night, taking drugs and drinking in public, public urination across from my home in broad daylight, harrasment of old members of the community as they go to the shops, harrasment of disabled women from the care centers along the street as they go to the shops, violent altercations which resulted in a gentleman being knocked unconscious in the middle of the road, exposing themselves to people outside of the shops in montague row and also tresspassing onto the garden of my home to retrieve balls which they have quite deliberately kicked in their.

Whilst it's understandable that disadvantaged people must have somewhere to stay, I feel It is entirely unsuitable for them to continue to stay in the street while this behaviour is kept up, especially due to the proximity to the school of the HMO, and due to the large number of elderly people who seem to make easy targets.

Yours sincerely,



Stephen Carr
Concerned resident

RECEIVED
28 AUG 2018

24/8/18.

36. Montague Row
Inverness
IV3 5DX

Dear Mr Eusey,

As a neighbour of the HMO, I would like to object to the licence being renewed. My concerns are that the young adults are not supervised properly, they regularly drink and take drugs behind Sally Services, which my back garden is next to. I have lived here for 5 years. I know that they are kids, but I feel they should a little respect for people around them. I have a granddaughter and am sick of her hearing them swearing all the time, and been abusive due to drinking/drugs. We work full time, and our sleep has been disturbed as a result of this behavior, during the night, they tend to gather sometimes to the early hours in the morning where is the supervision there? I understand the youngsters need a home but I can only put up with so much. Sleepless night, stress of them in my garden which they seem to use as a short cut, wondering what they will do next. Please take this into consideration, my husband also suffered a heart attack a few months back, he really don't need more stress. I don't think you would like neighbours who are out of control on your doorstep.

Regards Mrs. Carr

